

The compliment appreciated; I accept. Be there tomorrow.

E. I. KELLIE.

Vaughan.  
Ward.  
Warren

Watson.  
Weinert.  
Willacy.

#### ADJOURNMENT.

Senator Cofer moved that the Senate recess until 5 o'clock today.

Senator Watson moved, as a substitute, that the Senate adjourn until 10 o'clock tomorrow.

Action recurred on the substitute motion first, and the same was adopted by the following vote:

#### Yeas—12.

Adams.	Peeler.
Astin.	Real.
Bryan.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Johnson.	Watson.
Paulus.	Willacy.

#### Nays—11.

Cofer.	Sturgeon.
Collins.	Townsend.
Greer.	Vaughan.
Lattimore.	Ward.
McNealus.	Warren.
Ratliff.	

#### Absent.

Carter.	Meachum.
Hume.	Murray.
Kauffman.	Perkins.
Mayfield.	Weinert.

#### SECOND DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, Jan. 11, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll called, quorum being present, the following Senators answering to their names:

Adams.	McNealus.
Astin.	Meachum.
Carter.	Murray.
Cofer.	Paulus.
Collins.	Peeler.
Greer.	Perkins.
Hudspeth.	Ratliff.
Johnson.	Real.
Kauffman.	Sturgeon.
Lattimore.	Terrell, Wise.
Mayfield.	Townsend.

Absent.

Bryan.  
Hume.

Terrell, McLennan.

Prayer by the Chaplain.

#### ENROLLING CLERK—ELECTION OF.

Senator Watson stated that J. B. Campbell of Hays county, who was elected Enrolling Clerk of the Senate on yesterday, had declined to accept the place, and moved to rescind the vote by which he was elected.

The motion to rescind prevailed.

Senator Watson then moved to rescind the vote by which W. P. Williams of Kaufman county was elected as a General Committee Clerk, stating that it was his intention to nominate Mr. Williams for the position of Enrolling Clerk.

The motion to rescind prevailed.

Senator Watson then placed W. P. Williams of Kaufman county in nomination for the position of Enrolling Clerk.

There were no other nominations, and the Chair declared nominations closed.

Senators Warren, Kauffman and McNealus were appointed tellers to count the vote.

Mr. Williams received 24 votes, and was declared duly and constitutionally elected Enrolling Clerk.

Senator Watson then moved that Finton Hall of Hays county be appointed a General Committee Clerk.

The motion prevailed.

#### OATH OF OFFICE ADMINISTERED.

The Chair, Lieutenant Governor Davidson, then administered the constitutional oath of office to Mr. Williams, Enrolling Clerk, and Mrs. Lula Norman, Assistant Engrossing Clerk.

#### NOTIFICATION COMMITTEE—REPORT OF.

Here the Committee of the Senate to notify the House that the Senate was organized and ready for business appeared at the bar of the Senate and reported that they had performed their duties and asked to be discharged.

## SIMPLE RESOLUTIONS.

By Senator Willacy:

Resolved, That the Senate rules, as printed in the Legislative Manual of the Thirty-first Legislature be printed in the Senate Journal for the guidance and information of the Senate.

The resolution was read and adopted.

Note—See appendix for the rules as provided for.

By Senators Weinert and Willacy:

Resolved, That the State Conference of Charities and Corrections be granted the privilege of the Senate Chamber on the evenings of January 23 and 24.

The resolution was read and adopted.

## EXCUSED.

On account of sickness:

Senator Terrell of McLennan on motion of Senator Willacy.

## RECESS.

Senator Kauffman moved that the Senate adjourn until 10 o'clock tomorrow.

Senator Cofer moved that the Senate recess until 2:30 o'clock today.

Action recurred on the longest time first, and the motion to adjourn until 10 o'clock tomorrow was lost by the following vote, the yeas and nays being called for:

## Yeas—10.

Adams.	Peeler.
Astin.	Real.
Hudspeth.	Watson.
Kauffman.	Weinert.
Murray.	Willacy.

## Nays—16.

Bryan.	McNealus.
Carter.	Meachum.
Cofer.	Ratliff.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

## Absent.

Hume.	Perkins.
Paulus.	Sturgeon.

## Absent—Excused.

Terrell, McLennan

The motion to recess until 2:30 o'clock today was then adopted.

## AFTER RECESS.

The Senate was called to order by President Pro Tem. Hudspeth.

## RECESS.

There being no business before the Senate, Senator Cofer moved that the Senate recess until 4 o'clock today.

Senator Watson moved that the Senate adjourn until 10 o'clock tomorrow.

Action recurred on the longest time first, and the motion to adjourn until 10 o'clock tomorrow morning was lost by the following vote, the yeas and nays being called for:

## Yeas—14.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Ward.
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

## Nays—15.

Bryan.	McNealus.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.
Mayfield.	

## Absent.

Perkins.

## Absent—Excused.

Terrell, McLennan

The motion to recess until 4 o'clock today was then adopted by the following vote:

## Yeas—18.

Adams.	McNealus.
Bryan.	Paulus.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

## Nays—11.

Astin.	Hudspeth.
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Hume.  
Kauffman.  
Meachum.  
Murray.  
Peeler.

Real.  
Watson.  
Weinert.  
Willacy.

Absent.

Perkins.

Absent—Excused.

Terrell, McLennan

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

#### STANDING COMMITTEE—APPOINTMENT OF.

The Chair announced the appointment of the following committee on Privileges and Elections:

Warren, Chairman; Adams, Carter, Hume, Kauffman, Peeler, Real, Townsend, Weinert.

RECESS.

Senator Cofer moved that the Senate recess until 6 o'clock p. m., today.

Senator Hume moved that the Senate adjourn until 10 o'clock tomorrow morning.

Action recurred on the longest time first, and the motion to adjourn was lost by the following vote:

Yeas—12.

Adams.  
Astin.  
Hudspeth.  
Kauffman.  
Meachum.  
Murray.

Paulus.  
Peeler.  
Real.  
Watson.  
Weinert.  
Willacy.

Nays—18.

Bryan.  
Carter.  
Cofer.  
Collins.  
Greer.  
Hume.  
Johnson.  
Lattimore.  
Mayfield.

McNealus.  
Perkins.  
Ratliff.  
Sturgeon.  
Terrell, Wise.  
Townsend.  
Vaughan.  
Ward.  
Warren.

Absent—Excused.

Terrell, McLennan

The motion to recess until 6

o'clock, p. m., today was adopted by the following vote:

Yeas—19.

Bryan.  
Carter.  
Cofer.  
Collins.  
Greer.  
Johnson.  
Lattimore.  
Mayfield.  
McNealus.  
Murray.

Paulus.  
Perkins.  
Ratliff.  
Sturgeon.  
Terrell, Wise.  
Townsend.  
Vaughan.  
Ward.  
Warren.

Nays—11.

Adams.  
Astin.  
Hudspeth.  
Hume.  
Kauffman.  
Meachum.

Peeler.  
Real.  
Watson.  
Weinert.  
Willacy.

Absent—Excused.

Terrell, McLennan

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

#### HOUSE NOTIFICATION COMMITTEE.

A committee of three members of the House here appeared at the bar of the Senate and notified the Senate that the House was organized and ready for business.

#### MESSAGE FROM THE GOVERNOR

J. R. Bowman, Private Secretary to the Governor, here appeared at the bar of the Senate, and, after being announced, presented the following message from the Governor, which was read to the Senate:

Austin, Texas, Jan. 11, 1911.

To the Senate and House of Representatives:

You have, as Members of the Thirty-second Legislature, assembled under circumstances emphasizing the important truth that in all legislation the general good is necessarily the chief object and duty of patriotic men.

In seeking the office each of you now hold, worthy and honorable motives were of course declared, and a trusting constituency has the right to expect a fulfillment of your pledges. It is also a reasonable as-

sumption that the party faith of the ascendant political party in this State will be preserved and maintained. This doctrine applies with as much force to the duty of preserving those laws heretofore enacted in response to the party platform and the popular will, as it does to those enactments and policies which may thereafter be promised by you or demanded by the people.

A law passed in response to the people's demand can with propriety be amended or repealed when they so direct, but no man, power or agency should be permitted to disturb such legislation until the people are consulted and declare for such a change.

The Constitution provides that the Governor shall at the commencement of each session of the Legislature and at the close of his term of office by Message give the Legislature information of the condition of the State, recommend such measures as he may deem expedient, and at the beginning of each Regular Session present estimates of the amount of money necessary to be raised by taxation for all purposes. In complying with this provision of the Constitution I must at the outset congratulate you and the people upon the favorable financial conditions under which you have assembled. The State Treasury is upon a cash basis. During the past four years the State government has been administered in the interest of all the people without favoritism and without bestowal of privileges hurtful to the masses.

During the four years of this administration, though confronted at the beginning with an estimated deficiency of more than three hundred thousand dollars, we have by the correct application of business principles aided by effective revenue legislation avoided a deficiency and the State has met and discharged every obligation when due.

We have the lowest tax rate enjoyed by any State in this Republic, and the lightest tax burden ever laid upon the masses of the people of Texas for the support of their State government was levied for the present year.

Notwithstanding the serious drouth in some sections of our State during the last two years and the Nation-wide panic of 1907, and notwithstanding the misrepresenta-

tions persistently made by favor-seeking special interests with respect to our laws and policies, the State has prospered and its opportunities and resources have been developed to an extent altogether gratifying. Our educational, agricultural, commercial, industrial, transportation, manufacturing and banking interests, and all enterprises making for the growth of the State, and the happiness, contentment and enrichment of the people, have prospered during the last four years in a manner never equalled in any like period in the State's history. Factories have multiplied and more miles of railroad have been built during the last four years than have been built during a like period in a quarter of a century. Our population has increased and is increasing at a surprisingly rapid rate and the boundless resources of our great State are responding as never before to the touch of honest enterprise and development. Capitol and Labor are at peace and the general public applauds the existing harmony between them. The people as a rule are unusually happy and contented. Our State government is believed to be as good as the best and has been administered in the interest of the people and with fairness to all. Economy and efficiency in the public service has been the universal rule, and the standards of capacity, honesty, sobriety and high character, have been maintained and exacted by those in authority, both elective and appointive, during the past four years.

The fact that the law is supreme and can be enforced in Texas has been demonstrated, and there is cause for congratulation in the fact that all the laws are now being generally respected and obeyed throughout the State.

Just and adequate laws, characteristic of Texas legislation, have been placed in our Statutes and these laws, properly administered and applied, promote the general welfare, and aid in the preservation of governmental integrity.

Much useful legislation has been enacted during the past four years in compliance with the Democratic platform and out of respect and deference to the popular will. Nearly every demand for legislation in the interests of the masses was met by the Thirtieth and Thirty-first Legis-

latures in the Regular and Called Sessions, not always promptly, but in the end with conspicuous intelligence and fidelity. The more conspicuous enactments were, as was reasonable to expect, opposed by a hired lobby as unscrupulous as it was powerful. Organized corporate greed confronted the people's representatives at every turn, but victory has been on the side of the people in every contest. The indications now forecast a repetition of the efforts of special interests to defeat wholesome legislation and to emasculate existing laws by insidious amendments to be proposed and offered during the present session of the Legislature. This Legislature need make no serious blunders, as the temper of the people, whom the members of your honorable bodies represent, can not be mistaken, and their will need not be misunderstood. Indeed, the personnel of the Thirty-second Legislature gives promise of patriotic endeavor and of such intelligent, wholesome and wise legislative action as may be fully abreast of the times.

#### TREASURY DEPARTMENT AND STATE DEBT.

At this time the State's bond indebtedness amounts to \$3,978,100.00, all of which is owned by the permanent school fund and other permanent funds of the State's educational and charitable institutions except \$1,900 in bonds which are in the hands of individuals or have been lost. An appropriation for the payment of \$13,200.00 in matured bonds held by individuals and counties was made by the Thirty-first Legislature at the Third Called Session and these bonds have been paid off and canceled with the exception of the \$1,900.00 above mentioned which have not been presented for payment.

Of the above State bonds \$1,353,700.00, bearing 5 per cent interest, matured and became due, some of them, on the 1st day of July, 1909, and the remainder on September 1st 1910. These matured bonds, except \$13,200.00 above mentioned, were owned and held by the State permanent school fund, the permanent State University fund, the permanent Orphans Home fund, the Agricultural and Mechanical College permanent fund, the permanent Blind Institute fund, the Deaf and Dumb Institute permanent fund and the permanent Lunatic Asylum fund,

which bonds, excepting those recently taken up by the State Board of Education after maturity, were according to the information received from the Comptroller by the State Board of Education purchased for these permanent funds from individuals holding them, at a premium and on a 3 per cent interest bearing basis. For the redemption and cancellation of these bonds the Legislature provided by law for an issue of bonds in a like amount to bear 3 per cent interest, and also provided for the sale of said bonds by the Governor and State Treasurer, the proceeds to be used to redeem the said outstanding matured bonds. No better offer having been received the sale of the new bonds was made to the State School Board as investments for the State Permanent School Fund and for the permanent funds of the other State Institutions mentioned. The transaction involved, with slight differences in amounts allotted to the respective permanent funds on account of the change of the denomination of the bonds, only an exchange of the new bonds for the old ones on terms which gave to the State permanent school fund and to the institutions holding them practically the same interest and income that was received in interest upon their investment in the old bonds. Also a saving was made in interest of over \$27,000.00 annually to the tax payers which was made by the individuals who purchased the original 5 per cent bonds. This is a good investment for the permanent school fund and for the other special permanent funds concerned. It is also a source of satisfaction and pride, in which all patriotic men share, to know that every dollar of the State's comparatively small bonded debt is owned by its own State Institutions.

The condition of the State Treasury and the transactions of that department at the close of the fiscal year ending August 31st, 1910, are all shown in comprehensive detail in the State Treasurer's last annual report. This report contains valuable information and also suggestions for legislation which will, I believe, prove useful to your Honorable Bodies in your deliberations.

In giving information of the conditions of the State a brief mention of the laws enacted and of the policies enforced during the period of my incumbency as Governor is

deemed appropriate. Some of the laws of general interest enacted in the time mentioned were to the following effect:

The keeping of gambling houses and the exhibiting of gambling devices was made a felony.

Race track gambling was abolished and speed exhibitions on race tracks are well attended and infinitely more respectable.

The practice of drinking intoxicating liquors on railroad trains was prohibited by a law prescribing appropriate penalties.

A law making "bootlegging" or selling liquor in local option territory a felony was passed.

The occupation of selling liquor in local option territory was made a felony.

A law was passed requiring contests of local option elections to be promptly instituted and providing that otherwise the legality of such election should be conclusively presumed.

Authority was granted District Judges on proper showing to prevent by injunctions the sale of intoxicating liquors in prohibition communities.

By law a tax of five thousand Dollars was levied on Express companies engaged in shipping intoxicating liquors into prohibition districts, the effect of which has been to take the Express companies along with the others out of the liquor business in prohibition territory.

A tax of \$2,000.00 was levied for the State, and counties, cities and towns were each authorized to levy and collect \$1,000.00 additional tax upon the "frosty joint," and "cold storage dens" which resulted in the discontinuance of those wide-spread and intolerable menaces to decency.

Upon persons and corporations pursuing the business of soliciting or taking orders for the sale of intoxicating liquors in local option territory, an annual occupation tax of \$4,000.00 was levied for the State, and each county, incorporated city or town was authorized to levy an additional annual occupation tax not exceeding \$2,000.00. This law eliminated the soliciting agents of the liquor interests theretofore persistently invading local option territory and pestering the people.

Other laws strengthening and making more effective the local option laws and providing for more

effective regulation of the liquor traffic were enacted.

Laws for the reclamation of wet and overflowed lands were passed, and prison reform legislation was enacted.

A law, popularly known as the "Bucket Shop Law," which prohibits gambling in cotton futures and other futures, thereby guarding against depression in the prices of the farmers' crops and checking the other untold evils flowing out of those unnatural speculative and gambling transactions, was enacted.

A law prohibiting the exhibition of prize fights or glove contests, or any obscene, indecent or immoral show in moving picture shows, theaters or other places, was enacted.

A law was passed prohibiting the free pass evil.

A law prohibiting insolvent corporations from doing business in Texas was enacted, mainly as an aid, and to give full force and effect to the existing law regulating and controlling the issue of stock and bonds of railways.

A law was passed prohibiting lobbying which has at least freed your deliberations of the presence of the professional lobbyist, and under which outside interference with legislators may yet be prevented by the infliction of the prescribed penalties upon those who may be guilty of violations of its wholesome provisions.

The Depository law enacted provided for the deposit of State and county funds in banks at the highest rate of interest obtainable. The funds thus deposited are amply secured, the money is kept in circulation and the rate of interest secured has yielded since the enactment of the law, and during the last three and one-half years, the sum of \$195,000.00, which goes to the credit of the State's general revenue and helps reduce the tax rate.

The funds of the respective counties of the State which were heretofore deposited in the banks and used by them without interest, are now earning a satisfactory income which adds materially to the income for the support of the local county governments.

Laws were enacted which point the way, and make possible the construction and maintenance of permanent good roads in Texas. Joint Resolution ratifying the Sixteenth Amendment to the Constitution of the

United States of America was adopted by the Thirty-first Legislature at the Fourth Called Session. The amendment is as follows: "Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census enumeration."

The anti-trust legislation enacted by the Thirtieth Legislature, which, taken with former enactments on the same subject, give to Texas probably the most effective anti-trust laws yet devised. As a direct result of this legislation by the Thirtieth Legislature and through the activity and fidelity of the Attorney General's Department, many trusts then preying upon the people have been driven from the State and fines for violations of these laws aggregating the net sum of \$1,936,680.04 have been collected and paid into the State Treasury.

Laws re-organizing our State Health Department, creating a State Board of Health and otherwise securing greater efficiency in our public health agencies were passed.

The Health Department has been intelligently, skilfully and successfully managed.

The preservation of the health of the people and their protection against the introduction and spread of contagious and infectious diseases, involves a duty that cannot be lightly considered. To the accomplishment of these ends the legislation enacted has been directed and their great value has been verified and established.

The report of the State Board of Health contains suggestions and recommendations for the further improvement and perfection of our health laws, which on account of the high source from which they come are respectfully commended to your faithful consideration.

The Departments mentioned below have been operating for many years under an accounting system wholly unsuited and not in keeping with the needs of the State. The system obtaining was crude, cumbersome and extravagant. Laws were enacted and a system of accounting in the Departments of the State Treasury, Comptroller and General Land Office in lieu of the old system and with proper safe-guards and checks was installed. These Departments now

have a thoroughly up-to-date accounting system whereby the public service is improved, greater efficiency secured, and with less expense to the taxpayers. With the methods now in use under these laws, attended by competency and industry, still greater economy in conducting these respective departments is not only practicable but demanded.

The practice of nepotism, which was seriously impairing the efficiency of the public service, was effectively prohibited by the passage of a law framed and designed for that purpose.

#### BANK GUARANTY LAW AND STATE BANKS.

A law giving absolute security and protection to non-interest bearing deposits in State banks was enacted. That it was wisely designed and skilfully framed is amply proved by its successful operation. That the measure is feasible and workable can be reasonably assumed from the fact that its enemies have not attacked it in the courts, and its constitutionality is guaranteed and settled by the recent decision of the Supreme Court of the United States in the case involving the constitutionality of the bank guaranty law of the State of Oklahoma. The bill was drawn and introduced after a full discussion before the people, and after a long-drawn-out contest, often attended with bitterness, it was finally passed and became a law.

All fair minded men must now admit that the law has been beneficial to the State banking system and in no way hurtful to the National banks of the State. A more rigid supervision and more frequent examinations of both State and National banks have followed. While the State Bank Guaranty law stands, and is faithfully enforced, as heretofore, careful supervision and frequent examinations will obtain and the public will be guaranteed against loss. One of the most important features of this law is that provision which requires a thorough examination of every bank in the State every ninety days. Frequent examinations of our State banks naturally inspire greater diligence and care on the part of those officials charged with the duty of examining national banks. Incidentally the National banks in Texas are in that way strengthened. Under such conditions stockholders of all

banks, State and National, have an added protection to their investments, greater stability and safety in banking is secured, and while loss to depositors in State banks is impossible, loss to depositors in National banks doing business in Texas will hardly be probable in the future. No depositor has ever lost a dollar in a State Bank in Texas. If loss should occur in the future or if the guaranty fund should ever be impaired by the failure of a bank, the cause can be easily traced to the inefficiency and irresponsibility of the bank examiners for State banks. With competent and frequent examinations the guaranty fund can not be seriously impaired and losses to the depositors can not occur.

The great importance of the State banking system and its rapid development during the last four years can be illustrated by the following:

On February 6th, 1907, there were 182 State banks and bank and trust companies in operation in this State with total resources of \$25,025,704.81, total capital stock \$6,208,200.00, total surplus \$255,875.20, total undivided profits \$455,843.36; and total deposits of \$17,934,891.04.

On the 10th day of November, 1910, there were in operation in this State 621 State banks and bank and trust companies with total resources of \$88,103,273.56, total capital stock \$20,197,500.00, total surplus \$2,624,150.21, total undivided profits \$1,956,654.22, and total deposits of \$60,555,081.13.

Since November 10th, 1910, 19 other State banks have been chartered, making a total of 640 State banks and bank and trust companies chartered and doing business in Texas, 597 of which have secured their depositors under the guaranty fund and 43 being bond security banks.

#### LIFE AND FIRE INSURANCE.

A law was passed, known as the "Robertson Insurance Law," having for its object the better protection of the policy holders and to promote investments in our State by the life insurance companies doing business in Texas. Under this law and other laws enacted by the Thirtieth and Thirty-first Legislature regulating the business of life insurance it has been placed upon a safe and honest

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basis, investments have been invited and made and many millions of dollars which have been sent out of the State heretofore are now kept at home. As a further result life insurance companies have been organized within our own borders by Texas people, and are enabled by the laws enacted to successfully operate and to give to the people absolutely safe life insurance and upon more reasonable terms. It can be safely asserted that the life insurance laws enacted by the Thirtieth Legislature, as amended and perfected by the Thirty-first Legislature, compare favorably with the best legislation on this subject to be found in any State of the Union.

Legislation for the regulation, control and fixing of reasonable fire insurance rates was enacted by the Thirty-first Legislature during its Second Called Session, which on account of defects disclosed in its operation, was repealed by further and more effective legislation on the subject at the Fourth Called Session. The law as it now stands, which was passed in lieu of the original act, will, if properly enforced, as is being done at this time, result not only in a reduction of fire insurance rates to ninety per cent of the insuring public, including the small property owners, but the tremendous fire waste from which Texas has heretofore suffered can be reduced to a minimum. This law contemplates every safeguard and protection against useless destruction and waste by fire and, consequently, a still further reduction of the fire insurance rates levied by the fire insurance companies. Such regulation is feasible, the principle is sound and the policy should be maintained. The law should be executed and enforced with fairness to the fire insurance companies and also for the protection of the insuring public against discrimination and exorbitant rates.

#### TAXATION AND THE TAX LAWS ENACTED.

The subject of taxation presents problems of government not yet solved. Equality and uniformity and the equitable distribution of the burdens of taxation have been the constant aim, but the perfect system with these ends accomplished has never yet been devised. This subject has throughout the ages presented its problems for solution and has



baffled the best statemanship and will continue to tax the best thought and effort of those in authority.

Changing conditions attending the sources of revenue and changing governmental conditions all conspire to make of this the great unsettled question, although we may have fixed and settled policies of taxation which at all times and under all conditions may in safety be applied. Our system of taxation and our methods of raising revenues for the support of our State government, the maintenance of our public free schools and of our educational, eleemosynary and other institutions, involve the levy of ad valorem taxation and special taxes, all with a view of a just and equitable distribution of the burden. While our system is not perfect, still it is believed that the tax laws enacted by the Thirtieth Legislature furnish a system as thoroughly comprehensive and effective and will, if enforced, come nearer the end sought than any system of taxation heretofore written and enacted. Comparatively speaking, the corporations of Texas are lightly taxed, and it is certain that the individual citizen pays less taxes today in proportion to value of property owned and receives more in return from our State government than the citizens of any State in this Republic.

The tax laws of recent enactment and here referred to are to the following effect:

The old law which levied an occupation tax on useful occupations was repealed.

Laws were enacted increasing the franchise taxes, the charter fees and corporation permit fees, and increasing the taxes on the gross receipts of corporations and enterprises that cannot be taxed their just share by the other accepted methods of taxation; an inheritance tax, and a law increasing the liquor dealers' occupation tax was passed.

Laws securing the listing, rendition and assessment of the intangible values of the railroads of the State for taxation were enacted, and in their operation and enforcement about \$175,000,000.00 in property values theretofore escaping taxation have been assessed for taxes this year for State and State school purposes and also by the counties traversed by these railroads. The enactment of these laws resulted in placing upon the tax rolls these large and valuable

holdings at figures approximating the values used by them in fixing rates upon the traffic and commerce of the people, and also in shifting a large portion of the burden of taxation unjustly borne by the individual property owners to those corporations heretofore evading and escaping taxation upon this character of property.

The Full Rendition Law, which has for its object a more equitable distribution of the ad valorem taxes and the protection of the small property owners against the system of assessments for taxation heretofore prevailing which were neither fair, equal nor uniform, was passed. And to provide on the one hand against the accumulation of an unnecessary surplus in the State Treasury and on the other hand to make reasonably sure of sufficient funds to meet the absolutely necessary expenses of the State government, a law was enacted known as the "Automatic Tax Law." Under the provisions of this law the State tax rate is fixed annually, after the total of the taxable values for the year is found, the receipts from all other sources for the period designated by the law are ascertained and the balance necessary to be collected in ad valorem taxes to meet the State's requirements is known. The adjustment of the ad valorem tax rate under the terms of this new law provides against unnecessary collections, against a large surplus in the Treasury which furnishes the temptation for extravagance and waste, and, properly administered, these difficulties, and also the embarrassment of deficiencies which, however, are preferable to a tempting surplus, can be avoided. The law also prescribes a method for fixing each year the rate of State school taxation. After the values are ascertained, a rate that will yield not exceeding four dollars per capita of the school children within the scholastic age, is required by the law and is fixed annually by the State authorities charged with that duty. The State Tax Board, created by this Act and which is composed of the Governor, the Comptroller and the State Treasurer, after ascertaining by the methods prescribed, have fixed the State ad valorem rate and the State School rate for the past four years and the results have demonstrated the wisdom of this enactment. The law

also provides for the reduction of the county tax rate of the respective counties of Texas by the County Commissioners.

Under the above system of taxation enacted by the Thirtieth Legislature the masses of the people paying ad valorem taxes have been relieved of unjust tax burdens aggregating more than two and one-half millions of dollars annually in the State taxes, in State school taxes and in county taxation. The average county tax rate, including all special county taxes, has, during the period covered by this administration, been reduced from 56 cents to 40 cents on the \$100.00. The State school tax rate has been reduced from 18 cents to 16 2-3 cents, and the State ad valorem tax rate has been reduced from 20 cents in 1906, to 12 1-2 cents in 1907, to 6 1-4 cents in 1908, to 5 cents in 1909, and to 4 cents on the \$100.00 valuation in 1910. To illustrate the operation of the system above mentioned: The valuation of all property assessed for taxes for the support of the State government, the rates and the amount of State ad valorem taxes for the years of 1906, 1907, 1908, 1909 and 1910, are shown as follows:

1906—Valuations, \$1,221,259,869.00; rate 20 cents; amount of taxes collected \$2,435,412.92.

1907—Valuations, \$1,635,297,115.00; rate 12 1-2 cents; amount of taxes collected, \$2,040,625.00.

1908—Valuations, \$2,174,122,480.00; rate, 6 1-4 cents; amount of taxes collected, \$1,358,826.55.

1909—Valuations, \$2,309,803,626.00; rate 5 cents; amount of taxes collected, \$1,154,901.81.

1910—Valuations, \$2,388,500,114.00; rate of 4 cents; amount of taxes collected, \$55,400.04.

The above results show that while the assessed values for the year 1910 show an increase of \$1,167,240,255.00, as compared with the assessed values of 1906, the amount of taxes levied and to be collected on the assessed property values for the year 1910 is \$1,480,012.88 less than the sum levied and collected under the old laws in the year 1906. A gradual increase in values, a reduction of the rate each year and a marked reduction every year of the total taxes paid. And while the tax burden upon the individual property tax-payer was reduced, a more equit-

able distribution of the taxes has resulted.

As a further illustration of the operation of the laws enacted during the last four years, the receipts to the credit of the State's General Revenue for the years 1906, 1907, 1908, 1909 and 1910, from special corporation taxes, liquor dealers' licenses and from all other sources not including the ad valorem taxes on intangible and tangible values, and not including \$375,418.94 received from the United States Government in 1906, and not including \$1,718,009.14, being the amount of the Waters-Pierce Oil Company fine collected in 1909, are here given and are as follows:

1906—Amount of receipts, \$1,826,682.86.

1907—Amount of receipts, \$2,024,434.80.

1908—Amount of receipts, \$2,416,218.46.

1909—Amount of receipts, \$2,349,065.95.

1910—Amount of receipts, \$2,767,220.33.

The railroads and bridge and ferry companies of the State are this year paying upon their intangible values, which escaped taxation prior to the enactment of the intangible tax law, about \$70,000.00 to General Revenue, \$300,000.00 in State School taxes, and approximately \$900,000.00 in 1906 to the present low

Under the Full Rendition Law the tangible or physical values of the railways have increased from a valuation of \$100,166,782.00 in 1906, to \$165,284,580.00 in 1910. The Act taxing intangible values and the Full Rendition Law have in their operation added to the tax rolls more than \$275,000,000.00 of railway and other corporation values theretofore escaping taxation, thereby contributing that amount to the increased valuations which have participated, with the increased receipts from special corporation taxes and other sources, in the reduction of the State ad valorem tax rate of 20c on the \$1.00 in 1906 to the present low rate of 4c on the \$100.00. The small property owner and the home owners of Texas are paying less taxes for the support of their State Government this year than ever before and as the receipts from other sources to the credit of the General Revenue increase, as they should,

the ad valorem tax rate for State purposes should be reduced in proportion. With the continued growth and prosperity of our State proper economy in the expenses of government and the diligent enforcement of the laws levying special taxes against corporations and other enterprises, the people can reasonably expect the tax burdens to be further reduced. This, however, can only come through a wise and economical administration of the affairs of the State government and a rigid enforcement of the tax laws against corporations and other concerns and enterprises that are now taxed by the methods other than ad valorem taxation. If these laws are not enforced, or if they are tampered with and weakened by amendments, the burdens upon the people will, of necessity, increase.

#### AGRICULTURAL DEPARTMENT.

Prior to this administration only slight recognition in a governmental way had been accorded the subjects of agriculture, horticulture and stock-raising. Little had been done other than that accomplished by the Agricultural and Mechanical College. The development of these great interests had been left largely to individual effort unaided by legislative assistance or State co-operation. Believing, as I did, in offering every inducement looking to the promotion of agricultural development, I advocated, in the campaign of 1906, the enactment of a law creating a separate and independent, Department of Agriculture. The law was enacted, the Department was organized, and the gratifying results flowing from the active work that has been done, and that is now being done in the promotion of the State's agricultural development, have vindicated the wisdom of the policy. The value of this Department to all the people of the State can not be overestimated and I respectfully urge upon this Legislature the importance of furnishing the Department with every facility in the great educational work now being so ably conducted. Funds to facilitate this Department in its efforts to give intelligent help and direction to the tolling masses engaged in agricultural and kindred pursuits and to in-

crease the products of the farms, orchards and ranches should be provided by adequate, liberal and unstinted appropriations.

In addition to the creation of the Department of Agriculture, provision was made by law for additional experimental farms, and feeding stations, under which we now have ten established and equipped stations in active operation. A law requiring elementary agriculture to be taught in the public schools was passed and provision was also made by appropriate laws and by appropriations to give them effect, for teaching agriculture in the State Normals, and also in Common Schools that would avail themselves of the aid offered by complying with conditions prescribed.

#### LABOR LAWS.

That labor has been given recognition and that the toiler has not appealed for just laws in vain, is to me one of the most gratifying of all the splendid achievements of legislation during the past four years. Among the propositions advocated by labor which were crystalized into laws we have the following:

A law creating the Bureau of Labor Statistics and providing for a Commissioner of Labor. This is a separate Department of the State government, which under capable management which it has so far enjoyed will not only be of incalculable benefit to labor, but will be of interest and value to all the people of Texas.

A law creating a State Mining Board and State Mining Inspector, having for its object the preservation of the health and safety of persons employed in and about the coal mines of the State.

A law requiring railroad companies to equip their engines with electric headlights.

A law prohibiting employers from black-listing former employees.

A law giving injured railroad employees and their legal representatives the same rights and privileges in suits for damages as are accorded other litigants.

A law limiting the continuous hours of service of railroad employees engaged in operating trains and known as the sixteen hour law. This law conforms in all respects to

the Federal statutes upon the subject.

A law requiring railroad companies to provide a sufficient number of men in train crews to safely handle trains operating on their lines of railway.

A law limiting the granting of injunctions in State courts.

The State Text Book Law extended the benefits of uniform text books to cities having a population above ten thousand, which cities were exempt under previous laws, thereby securing uniform, cheaper and better school books for the children of workingmen and others in such cities.

A law requiring railroad companies to erect sheds over tracks upon which cars are repaired for the protection of workmen in times of unfavorable weather conditions.

A law to abrogate the doctrine of "fellow servant" and upon the subject of "assumed risk," conforming to the Federal employers liability law.

A law requiring all railroad companies to do their repair work in Texas.

A law requiring locomotive engineers to have had three years experience as locomotive firemen, and conductors to have had two years experience as brakemen, before acting in either capacity, and a law requiring railroad companies to equip their engines with self-cleaning ash-pans.

A law requiring trains engaged in interstate commerce to be equipped with proper safety appliances.

A law amending the Mechanics Lien Law, by requiring owners of work under construction to retain ten per cent of the contract price for ten days after completion and giving mechanics a preference lien over all others upon the amount thus retained.

A law having for its object the protection of laborers employed in Texas ports from injury in handling defectively baled cotton. This law is known as the "Spider Bill."

These and other measures enacted by the Thirtieth and Thirty-first Legislatures are re-assuring and beneficial to the public and especially to the workingmen of every trade and vocation. The new tax law reduces the tax levy upon their homes and

holdings; the Fire Rating Law gives them lower fire premium rates; the School Tax laws and school laws have furnished better and more adequate school opportunities and have provided an increased apportionment of school funds for the education of their children; and the Bank Guaranty Law secures their earnings when deposited in State Banks. Labor has indeed come into its own in Texas and all good men approve.

#### SCHOOL LAWS.

The educational spirit has during the last four years taken a firmer hold upon the people. The cause of education has been strengthened, a new impetus has been given and educational conditions throughout the State have steadily improved. The common schools, the State's higher educational institutions and the private and denominational schools, colleges and universities are all prosperous. There has been a general awakening all along this line. They have made a still greater progress during this year and today enjoy better support and in consequence a higher order of efficiency than ever before in the State's history.

The legislation which was enacted during the present administration having for its object the general advancement of the cause of education and a more efficient and effective public school system consists mainly of the following:

A law providing for the adjustment of the ad valorem school tax rate by the State Tax Board so as to yield four dollars per capita of the scholastic population, and laws providing for local voluntary taxation to secure better school facilities and to provide funds for the construction and equipment of school houses.

Elementary agriculture was added by law to the list of subjects to be taught in the common schools.

The law providing for the adoption of a defined series of uniform text books required to be used during the five years beginning September 1, 1908. This law and the series of books adopted in virtue thereof have been often assailed by interested book concerns, their agents and attorneys, and by publications they dominate, notwithstanding

ing the fact that the books adopted are acceptable to the disinterested teachers, the patrons of public schools and have been pronounced by the best educators of the State as superior to any former adoption and as the best books from a State standpoint and from a Southern and educational standpoint ever adopted here or elsewhere.

Free kindergartens were provided and provision was also made by law for the transfer of children from a district in one county to an adjoining district in another county.

School management and control was simplified and improved by a law providing for one board of trustees instead of two as theretofore.

To secure more effective and intelligent supervision of the schools, to give more intelligent direction to the school funds, and to more properly conserve them, the office of county Superintendent was created in every county having a scholastic population of three thousand or more, and in those counties which shall hereafter obtain a scholastic population of three thousand. Under this law counties having a scholastic population of less than three thousand may also by majority vote create the office.

The Anti-Nepotism Law extends to and includes in its provisions school government.

The community system which stood as an obstacle in the way of school development was abolished.

The Thirtieth Legislature submitted to the qualified voters of the State an amendment to Section 3, Article VII, of the Constitution and it was adopted in the general election held on November 5, 1908. This amendment to the Constitution authorizes the assessment and collection of a local ad valorem tax of fifty cents on the one hundred dollars valuation of property in common school districts and in independent school districts. The question of levying the tax to be determined by a majority vote of the property-tax-paying voters qualified to vote in such districts. The amendment as submitted and adopted was not self-executing, so necessary laws giving full force and effect thereto were enacted by the Thirty-first Legislature. The amendment raised the constitutional limit of taxation

in local school districts from twenty cents to fifty cents on the one hundred dollars valuation of property for the annual maintenance of the schools and to provide funds for the construction and equipment of school buildings. This may be done now by a majority vote instead of a two-thirds vote as heretofore required. Additional funds for maintenance and the construction and equipment of school houses throughout the State, aggregating in value several millions of dollars, has already vindicated the wisdom of this legislation.

To protect the State's honor and credit, which every good man holds sacred, two other constitutional amendments validating bonds of school districts, which bonds had been held invalid by the courts and amounting in the aggregate to millions of dollars, were submitted by the Thirty-first Legislature to a vote of the people and these amendments were promptly ratified and adopted.

A law was enacted which requires all school funds of counties and independent school districts to be kept in depositories at the best rate of interest offered and without expense to the fund for receiving and disbursing the same. It is estimated by the Superintendent of Public Instruction that this law is worth to the available school funds at least \$125,000.00 annually.

The establishment and equipment of the West Texas State Normal College was authorized and an appropriation for this purpose was provided.

A law was enacted which requires agriculture, manual training and domestic science to be taught in all of the State Normal Colleges and sufficient funds to carry out the law were appropriated. The law also provided for instruction in elementary agriculture to teachers attending the summer normal schools of the State Normals, in the Agricultural and Mechanical College, the College of Industrial Arts, and the University of Texas.

#### AVAILABLE SCHOOL FUND.

That we are making educational progress under appropriate laws and adequate administrative policies is

fully demonstrated in the following results:

The scholastic population, that is to say the school children between the ages of seven and seventeen, has increased from 869,864 in 1906 to 968,269 in 1910, an increase of 98,405 children, and in the distribution of the State's available school fund has, under the laws enacted and the policies applied in the management of the permanent endowment, increased from \$4,349,320.00 in 1906 to \$6,293,748.50 in 1910, a net increase of the apportionment made by the State of \$1,844,428.50.

The total available fund from all sources for the support and maintenance of the public schools, which total fund includes all the income from the permanent school funds of the State and counties, one-fourth of the occupation taxes, State poll taxes and the amounts derived from State and local taxation, increased from \$6,000,000.00 in 1906 to \$12,299,960.54 in 1910, a difference of \$6,299,960.54, or an increase of available funds for the common schools from all sources in 1910, as compared with the year 1906, of \$6,229,950.54. It will be seen that the available school fund has more than doubled under this administration. During the period named the average school term has increased from five and one-third months to about seven months for the year. The average salaries of teachers have been increased more than \$12.00 per month and should be further increased to the end that teachers may be fairly compensated and a still greater efficiency secured.

#### PERMANENT SCHOOL FUND.

The continued enhancement in the value of the State Permanent school fund is encouraging to the friends of education. On August 31, 1904, not including unsold lands, the total book value of this fund was \$41,168,396.66; on August 31, 1906, its book value was \$46,656,685.45; on August 31, 1908, the book value was \$61,526,742.75; and on August 31, 1910, the book value of this fund was \$70,837,504.93, which is made up of the following items:

Land notes, interest bearing, .... \$ 47,809,504.93

Interest bearing bonds .....	17,000,000.00
Lands, 3,955,788 acres (estimated value) .....	6,000,000.00
Cash on hand for investment .....	28,000.00
Total .....	\$70,837,504.93

The County Permanent School fund consists of the following items:

Land notes .....	\$ 2,922,562.67
Other securities ..	64,659.91
Lands (estimated value) .....	3,803,167.79
Interest bearing bonds .....	3,674,502.45
Cash on hand .....	671,502.74
Total .....	\$11,136,395.56

The sources of available income which make the magnificent sum of \$12,299,960.54 furnish the common schools of the State for the present year are as follows:

From the State permanent endowment .....	\$ 1,990,232.50
From the County permanent endowment .....	425,000.00
The State ad valorem taxes....	3,941,045.00
The local taxes ....	4,411,474.47
Poll taxes, occupation taxes, delinquent taxes and miscellaneous ....	532,198.57
Total .....	\$12,299,960.54

These statements and comparisons tell the story of an educational awakening unknown before in Texas and stamp this as the brightest era in the advancement of the the cause of education.

The attention of your Honorable Bodies is invited to the thoroughly comprehensive report of the Superintendent of Public Instruction. This report, covering the last biennial period contains information and suggestions with respect to school progress and general school conditions which are worthy of your best thought and attention. The safety and integrity of our Institutions and the welfare of the masses demand the education of the people. The

efforts and energies of our best statesmanship can be employed in no greater cause than in the further perfection of our public school system. I commend the children's cause to your diligent care and honest attention.

#### STATE LEVEE AND DRAINAGE.

A law was passed by the Thirty-first Legislature creating a Levee and Drainage Board of three members, composed of the Governor, Attorney General and Commissioner of the General Land Office and creating the office of State Levee and Drainage Commissioner. The purpose of this law was to begin and put in operation means for the reclamation for cultivation of the large area of over-flowed and wet lands in Texas. The act provided for co-operation with the Federal Government and for a co-operative topographic survey, the expense to be divided equally between the Federal Government and the State of Texas. When this act took effect the Board organized and elected Mr. Arthur A. Stiles to the office of State Levee and Drainage Commissioner, and an agreement between the Federal Government and the State of Texas whereby the work should proceed was perfected in September, 1909. The work contemplated was at once begun and the following areas have been topographically mapped:

The Brazos river valley from the mouth of New Year creek in Washington county to a point about five miles below Stone City in Brazos county; in the valley of the east fork of the Trinity river from the crossing of the Texas & Pacific railroad to the Southern edge of Collin county; and in the valley of Little River in Milam county from the crossing of the Bell county line to a point three miles below Cummins bridge. Topographic maps of approximately 471 square miles of country have been completed. Of this territory 207 square miles are situated in the overflowed valleys and 264 square miles lie among the hills and uplands. Of the 207 square miles of overflowed lands above mentioned, the mapping of an area of about 66 square miles is not at present available for the use of the state.

As the work progressed it was found that the large topographic

survey of territory outside of the over-flowed and wet lands, which was insisted upon by the Federal authorities, was requiring a greater expenditure of money on the part of the State of Texas than the necessary work would cost if undertaken by the State independently, and upon the recommendation of the State Levee and Drainage Commissioner the contract with the Federal Government for this co-operative reclamation work was canceled and discontinued. The State was not getting full value of the money expended as its share on the co-operative basis authorized by the Act, and, after this fact was ascertained through the experiment of co-operation, the Board determined and did discontinue the work until provision could be made by the State Legislature for a continuation of levee and drainage improvements independently.

It is the opinion of the State levee and Drainage Commissioner, in which view the members of the Board concur, that levee and drainage improvements in Texas cannot advance materially, nor endure permanently, unless certain underlying principles of engineering are observed in their construction. It is known that the interests of adjoining improvement districts in most cases become interlaced or mutual when actual construction begins; that these interests must be harmonized before uniform success in any given locality can be expected. Such uniform success can only come through a general supervision by the State.

I therefore recommend the enactment of legislation extending the powers of the present State Levee and Drainage Board so as to properly provide for the general inspection and approval of all plans for reclamation improvements by the Board, or by the Levee and Drainage Commissioner, before such plans are put into operation. The law should also be so amended as to authorize the independent action on the part of the State and to make such surveys as will in the judgment of the Board most accurately and speedily result in the proper reclamation, for agricultural uses, of the overflowed and swamp lands of the State, and that the Board be further authorized to co-operate in any division of the work with any branch of the Federal Government. I also recommend that a salary from the State for the State

Levee and Drainage Commissioner be fixed.

The importance of encouraging this work in Texas cannot be too strongly urged. The area of the overflowed and wet lands is variously estimated from 6,000,000 to 8,000,000 acres. Under present conditions the reclamation of this vast body of agricultural land, now practically dormant, would add to the land values of the State an amount estimated by competent authority from \$150,000,000 to \$300,000,000.

#### I. & G. N. CLAIM BILL.

An act to amend Articles 4549 and 4550, Chapter Eleven, Title XCIV, of the Revised Statutes and to prescribe the conditions upon which the purchaser or purchasers, and associates, if any, of the property and franchises of a railroad company may become owners of its charter, or may organize a new corporation, and governing, regulating and limiting the stocks and bonds of the new corporation and of the old corporation, after the sale of its property and franchise, was passed by the Thirty-first Legislature at its Fourth Called Session and the same was approved and became a law on September 1, 1910.

This Act amended the law generally known as the "Stock and Bond Law," passed by the Twenty-third Legislature and designed and passed to give full force and effect to that provision of the Constitution reading as follows: "No corporation shall issue stock or bonds except for money paid, labor done, or property actually received; and all fictitious increase of stock and indebtedness shall be void."

The "Stock and Bond Law" as originally framed and enacted was directed against the evils of over capitalization and against fictitious and fraudulent issues of bonds of railways in Texas by limiting the stocks and bonds to the purposes named in the Constitution except in limited amounts, it provided the method of procedure in matters pertaining to the issuance of stocks and bonds and prescribed penalties for violations of the law which has given that provision of the Constitution stability, force and full effect. Prior to the enactment of the law, unnumbered millions of dollars in fictitious stocks and mortgage bonds had been laid upon the railways of Texas and in-

cidental and most unjustly upon the commerce and traffic of the State. These fictitious bonds cannot be reached and canceled by law until they have matured or until the railroad companies issuing them perchance reach a condition of insolvency bringing them within the reach of that law enacted by the Thirtieth Legislature which prohibits insolvent corporations from doing business in Texas. Until such conditions arise whereby relief from the unjust exactions in traffic charges can be secured, these stocks and bonds stand as obstacles in the way of reduced rates. Since the passage of the law, however, the issues of stocks and bonds have been restricted by its terms for the protection of the people, and every share of stock and every bond bears the stamp of good faith and honesty. The law protected the public against further burdens born of the stock and bond juggling of the gentlemen of high finance and "Big Business," and gave to the purchasers and investors securities that were honest, valid and protected. The proposition to enact such a law did at the time furnish an issue which was warmly contested in one of the most exciting and bitter campaigns ever waged in Texas, or elsewhere. It was urged by the railways, their attorneys and lobbyists, by some newspapers and by many good men who had been deceived and alarmed by the railings at the immortal Hogg who led the fight, that such a law would prevent further railroad construction and extensions in territory needing additional railway facilities, that if enacted it would drive capital from Texas, and that our State and its resources would languish for want of funds for railway extensions and general development. The progress of events has disproven every contention of the opposition forces and in the midst of our continued prosperity, with the thousands of miles of railways constructed and the uninterrupted flow of capital into our State since that time, all prove the wisdom of the law. While the law as it stood protected the public, as contemplated and gave promise of ultimate relief from the unjust outstanding burdens upon their commerce and traffic, and furnished protection to investors and bond holders in the genuineness of their securities, still it was inadequate to meet the unexpected conditions which gave rise to the law



amending and extending its protecting shield to the unsecured creditors, to our own people whose claims were unprotected and who furnished the labor, the supplies and the material required to run the business and the blood and bone incident to the hazardous operation of railways. These are the essentials and the incidents of the business without which the railways cannot continue as going concerns and without which their interest and dividends fail, and claims based upon such considerations should in right and in justice be paid first of all. The emergency and the imperative public necessity which demanded and precipitated the action of the Thirty-first Legislature at the Fourth Called Session, in thus amending the "Stock and Bond Law" were forced by the receivership proceedings in the International & Great Northern Railroad case then and now pending in the U. S. Circuit Court at Dallas, Texas. This railroad as the result of mismanagement and probable diversion of its revenues to improper channels, was reduced to a condition of insolvency and a collusive Federal Court receivership followed on the 27th day of February 1908. At the time there were outstanding unsecured claims for material, supplies, cross ties, bridge timbers, labor, death claims, personal injury and other claims admitted to be due to more than five thousand Texas citizens and amounting in the aggregate to at least \$3,000,000.00. Since the appointment of the Receiver that official has not paid one penny upon these claims, but since February, 1908, he had from time to time diverted and used the revenues and income from the operation of the road for betterments and improvements of the property and for payment of interest to the bond holders. The total sum thus disbursed with the sanction of the Federal Court in which the receivership is pending amounted at the time of the passage of this law to approximately \$3,500,000.00, and of this \$1,900,000.00 was paid in interest to bond holders, which aggregate has, in pursuance probably of the original plans of this heartless and stupendous swindle, probably grown into more appalling proportions. The scheme of the promoters to sell the property at receivership sale, wipe out the claims due to the Texas creditors, thereby reducing

many of them to bankruptcy and ruin was disclosed by the foreclosure sale ordered by a decree of the Court directing the sale of the properties of the International & Great Northern Railroad Company. This decree of foreclosure of the second mortgage was entered on May 19th, 1910, and when the bill under discussion was passed and approved all the properties of the International & Great Northern Railroad Company were already advertised for sale on September 15th, 1910. That this sale was intended to defeat and that in the absence of the timely enactment of this bill, the sale would have defeated the just claims protected by the new law, and that the demand for the repeal or amendment of the law has for its true source the direct beneficiaries of the funds already diverted and paid them by the receiver, is conclusively proven by the sworn application for a postponement of the sale which was filed in the U. S. Circuit Court at Dallas by the Farmers Loan and Trust Company, trustee under the second mortgage, on the 28th day of September, 1910; this being the application for a second postponement of the sale and was made after the taking effect of the bill referred to. In this application we find the following recital:

"Eighth: That in and by the aforesaid decree of foreclosure it was adjudged and decreed as your petitioner is advised, that the unpaid indebtedness or liabilities contracted or incurred by the defendant railroad company, in the operation of its railroad, subject to which the mortgaged property was decreed to be sold and subject to which possession of the property so purchased should be held by the purchaser, were such unpaid indebtedness or liabilities as the court might order or decree in this cause to be prior or superior to the lien of said second mortgage, AND NO OTHERS; and that such indebtedness or liabilities were those, AND THOSE ONLY, which, under the rules of equity established by decisions of the courts of the United States, are entitled to priority or preference in payment in similar cases, and that such INDEBTEDNESS OR LIABILITIES DID NOT AND WERE NOT INTENDED TO INCLUDE CLAIMS AND LIABILITIES OF THE CHAR-

ACTER AND DESCRIPTION MENTIONED AND SET FORTH IN SAID ACT OF THE LEGISLATURE OF TEXAS, APPROVED SEPTEMBER 1, 1910, above mentioned."

The amount of claims protected by the law which would have been defeated by the sale if the law had not been enacted when it was, is estimated in this application for a postponement of the sale at not less than \$3,000,000.00. In the affidavit of W. E. Roosevelt of the "Committee of Holders of the Second Mortgage bonds of the International & Great Northern Railroad Company", which affidavit is attached to the trustee's said application, and in paragraph 22 of this affidavit Mr. Roosevelt swears: "I am ignorant of the amount or validity of the claims which might be asserted and allowed under the operation of said Statute, EXCEPT AS I HAVE BEEN INFORMED OF CLAIMS AMOUNTING TO ABOUT \$3,700,000.00, BUT I HAVE NO MEANS OF KNOWING OR ASCERTAINING IF THIS AMOUNT IS THE TOTAL OF SUCH CLAIMS. Of said claims \$700,000.00 are alleged to be of the character ordinarily allowed preference in foreclosure actions."

They also asked for a second postponement of the sale in order that an opportunity might be afforded "for the making of proper efforts to test the validity of said Act by judicial construction OR BRING ABOUT ITS REPEAL OR AMENDMENT BY LEGISLATION."

No legal proceeding of any kind to test the validity of the law by "judicial construction" has been instituted and none has ever been intended. It has been their intention to cajole, or possibly to blowbeat and bully this Legislature, probably not into a repeal of the Act, but into the passage of amendments that will destroy its effect. These amendments will be skillfully drawn and will doubtless appear to be in the interest of the operative expense creditors, while the effect will be the reverse.

Again, no scheme could be conceived which would more effectually destroy the objects of the Stock and Bond Law, and also that law which prohibits insolvent corporations from doing business in Texas, and that would more fully accomplish the

purpose of the gentlemen of "high finance" in their attempts now to free the International and Great Northern Railroad from payment of these honest debts and nothing would more certainly destroy these unsecured claims of Texas citizens than legislation requiring the re-valuation of railways by the Railroad Commission and restoring Articles 4549 and 4550 of the Revised Statutes to their former status. If such schemes can be manipulated, it is planned that the International & Great Northern properties will be sold and bought in by the "Committee for the Second Mortgage Bond Holders" for no more than the bonded indebtedness, thereby freeing the property of the \$3,000,000.00 of operative expense due the unsecured creditors. When this fraud upon the unsecured claimants is accomplished a re-valuation will be attempted and the purchasers will in that way endeavor to get the benefits of the increased bond and stock issues and the people of Texas will, in traffic charges, pay just this much greater premium into the coffers of the perpetrators and beneficiaries of this outrage so cunningly and wickedly planned.

A re-valuation measure would also enable every other railroad to secure a re-valuation by which it can perpetuate its fictitious stocks and bonds as a basis for the high freight and passenger rates to be exacted of the people of Texas in the future. Any increased value as a result of betterments and improvements made from the revenues of the road which came from rates laid upon the traffic and commerce of the people should never be used as a basis for increased fictitious issues of bonds which they and their children must ultimately pay. Lawyers and judges know that the courts in the exercise of their equity powers are authorized to protect the unsecured claims, and that they have always been protected in State Court receiverships, but there has not been heretofore adequate statutory protection. To protect them and to provide an appropriate check upon the Federal Courts in such proceedings now and in the future this law was enacted and it should not be disturbed. Under its provisions if permitted to stand the bond holders of the I. & G. N. Railroad company will receive par value

and interest upon their securities and the \$3,700,000 due to the unsecured creditors on account of operative claims will be paid in full, but if it is repealed or amended so as to suit the plans and purposes of the manipulators and those they represent, which were thwarted and defeated by the bill, they will profit to the extent of the millions thus taken from these honest but unsecured creditors.

The political agents of this company, and other allied interests, have raised the old weatherbeaten cry that the law will "drive capital out of Texas;" that it will impair the value of railroad securities and that it will stop railway construction. Many good men and some patriotic newspapers were at first alarmed by this PURCHASED NOISE, and have advocated a change because they were misled into the belief that it would have the disastrous effect pictured. It has had and will have no such effect. Capital still pours into the State; railroad securities are quoted higher today than they were on the day the law took effect and railroad construction continues without interruption.

This law and the motives actuating those responsible for its enactment appeal to the hearts and consciences of the patriotic people of Texas and it should be preserved in its integrity for their protection.

#### OTHER MATTERS OF LEGISLATION AND ADMINISTRATION.

Laws other than these herein enumerated and discussed were passed and they were all enacted for the promotion of the general welfare. Many of these laws and many of the reforms accomplished were demanded by the Democratic platforms upon which I was twice elected to the office of Governor and they are in the interests of the State and of the people. They make for good government, progress and prosperity, for the encouragement and protection of honest investment and for the honor and dignity of this Great Commonwealth. They have been often assailed and as often approved by an overwhelming majority of the people.

The man who would destroy or impair them in their full force and vigor is either blind to the people's interests or a common enemy to the State.

The enactment of the many wise and salutary laws and the merited

approval accorded them by the patriotic people of Texas is no less gratifying than the pronounced advancement of the public interests which have been guarded and promoted under every condition and at all times.

During the last four years we have had two regular sessions and five called sessions of the Legislature. The regular session of the Thirtieth Legislature continued for ninety-five days and cost \$142,225.70, including the cost of the Bailey investigation. The first and only called session of the Thirtieth Legislature, which became necessary to secure the tax legislation hereinbefore discussed and a further compliance with the Democratic platform demands, cost \$47,752. The regular session of the Thirty-first Legislature lasted sixty days at a cost of \$112,809.12, during which term the appropriation bill was not even introduced and no platform demands redeemed. The first called session cost \$46,783.86. The second called session cost \$45,819.20. The third cost \$51,633.46, and the fourth called session cost \$32,588.67. Complying with my duty under the Constitution, I assembled this Legislature in these four called sessions of thirty days each, for the passage of an appropriation bill for the support of the State government, for legislative compliance with platform demands and for the enactment of other needed and reform legislation, and I would have called other special sessions if the interests of the people had demanded such action on my part.

Appropriate diligence without the interference of an aggressive lobby employed by special interests and without the intermeddling of the outside politicians who were hired by the "System," would have obviated the necessity for much of this expense. However, the victory won for the people and for good government as a result of these called sessions of the Legislature more than compensate the taxpayers for the amount expended. Indeed, no complaint or criticism has been heard on this score, other than that coming from the hired politicians, the agents and emissaries of favor-seeking, law-breaking corporations and the seekers of privilege and their political aiders and sympathizers who have been checked in their evil tendencies and practices.

The trusts that have been made

to answer for their crimes and their apologists have been heard from, and as was to be expected, the corporations that have been compelled to pay their just share of the taxes complain, all on account of the effective laws and safeguards enacted at these called sessions and enforced in the interests of the masses of the people. The grafter, the corrupt demagogue, the law-breaking individuals and corporations always tremble and their pillows rest uneasy heads when either a grand jury or an honest Legislature is in session or about to assemble. It is but natural for them to seek refuge in protests for economy and fewer laws. I am not responsible for the failures of the Legislature in regular sessions, but I am alone responsible for the action taken in calling these special sessions and the results that followed have compensated the people more than ten thousand fold in money recovered from the law-breakers, in taxation saved the people, and in wholesome legislation enacted for their protection.

The growth of the State's charitable and educational institutions has kept pace with the general advancement along all other lines of useful endeavor. They have been adequately maintained, efficiently conducted and large sums of money have been appropriated and wisely expended to equip and maintain them in a manner suited to the extraordinary demands upon the State in these particulars.

On account of the unfavorable conditions in the State's financial affairs for some time prior to this administration these institutions had, in many instances, suffered much deterioration for want of needed repairs and improvement. Absolute necessity demanded repairs, improvements, additions and the erection and equipment of other buildings necessary to adequate and efficient administration. Relief was provided and these pressing responsibilities have been met without extravagance, and without the usual emergency burdens upon the taxpayers who are sometimes and too often forgotten by legislators and others in power.

As a fair index to the expenditures and achievements under this administration in these particular matters, these several institutions may with propriety be briefly and separately considered.

#### THE UNIVERSITY OF TEXAS.

This, the capstone of our educational structure, occupies a high place among the leading universities of the country. The people are justly proud of their great University and of its student body. Its wise management, the high and efficient service being rendered by its faculty, its growth and its history all give promise of a greater future for the University of Texas. The State owes much to this institution and we can not be too liberal in dealing with its necessities. That the attendance has increased more rapidly and that more has been done by the State in financial and other ways to promote its growth and efficiency during my term as Governor, and that more satisfactory results have been realized than in any former period of four years, is gratifying to me. I have at all times favored the most liberal co-operation of the State and have delighted in the support and encouragement given the University and its governing body. The students who have received training at this institution of learning have increased 51 per cent during the past four years. During the term of 1905-1906, 2016 students received training here, and for the term of 1909-1910 we had 3043 students, including the summer school, which has shown the most rapid growth.

The Constitution does not permit appropriations from the general revenue for the erection of buildings for the State University. However, it has a permanent endowment provided by the State, the income from which now amounts to about \$145,000.00 annually, and which may be used for that purpose as well as for maintenance. The Legislature may provide for the entire maintenance, or for any part thereof, by appropriations from the general revenue, but not for buildings. Prior to this administration the appropriations from the general revenue for the University were so meagre that it became necessary to apply all, or nearly all of the income derived from the permanent fund to the expenses of conducting and maintaining the institution. However, during the last four years the appropriations from general revenue for maintenance and conducting the Main University and the Medical Branch at Galveston were increased an amount in the aggregate to the sum of \$810,000.00. This action has

enabled the Board of Regents to apply as they have done the greater portion of the income from the permanent fund to the necessary repairs, permanent improvements and to construct and equip a law building costing about \$117,000.00; to erect and equip a power plant for heating and lighting which will answer the purpose of the University for all time to come, at a cost of about \$95,000.00; and to contract for a Library Building to cost \$250,000.00, which is now in course of erection and upon which large expenditures have already been made. These expenditures made during the last four years and the sum to be expended to complete and equip the Library Building for which provision has already been made and for the repairs, improvements, buildings and equipment already made and which were so much needed and so important, will amount in the aggregate to approximately \$467,000. I believe that the requirements of the University are such that its maintenance for the present should come from the general revenue so that the entire income from the permanent fund can be applied to the purchase of additional grounds and to the erection and equipment of buildings necessary to meet all the demands upon the institution and this policy is respectfully recommended to your honorable bodies. This great institution should be cared for by the State. It should never come under the influence of predatory wealth. It should never owe a debt of gratitude for endowments or gifts from the coffers of tainted wealth. Let the University of Texas remain free and independent and let it depend alone, and not in vain, upon Texas manhood for the perpetuation of its usefulness and glory.

#### THE AGRICULTURAL AND MECHANICAL COLLEGE.

While the Agricultural and Mechanical College is a branch of the University, it has heretofore been separately maintained and has been under a separate and distinct governing body. The Board of Directors of this college are vested by law with powers and duties similar to those with which the Board of Regents of the Main University are clothed.

The Agricultural and Mechanical College is doing a great work in its sphere. Its management has been superb and the efficient service it has

rendered the State and the people is reflected in the unparalleled development of agricultural, industrial and stock raising interests now in progress throughout the State. No institution is nearer the hearts of the people of the State than the A. & M. College. Its growth during the last four years furnish convincing proof of its usefulness and popularity. Four years ago its total enrollment was 515, and this year there are more than 1,000 proud, bright and promising young men and boys receiving practical and scientific training in this institution.

In keeping with the increase of cadets, the college has developed its facilities more rapidly, and I am assured by the authorities in charge that larger expenditures for buildings and for their equipment have been made during the last four years than have been made during the entire history of the college theretofore. For these purposes alone the sum of \$179,636.69 was appropriated and expended during the period between the adjournment of the Thirtieth Legislature on August 31, 1910, and the Fourth Called Session of the Thirty-first Legislature, upon my recommendation, appropriated for this college all the money heretofore or hereafter collected under the Pure Feed Laws. This special fund then contained \$105,357.40, which was available for the repairs and improvements needed and for the erection of additions and buildings, and has been used and is being applied to buildings erected and now under construction, which makes a total expenditure of \$284,994.09, which, as before stated, exceeds the total amount expended for like purposes during the entire former history of the institution.

This last mentioned legislation appropriating the special "Pure Feed" fund became necessary on account of the fact that the A. & M. College is a branch of the University of Texas, and appropriations from general revenue for the erection of buildings for the University and its branches are expressly forbidden by the Constitution.

The Agricultural and Mechanical College, with its ever increasing necessities can not be adequately promoted and maintained under existing constitutional restrictions. These two great institutions should be separated and each in its own sphere of educational usefulness

should be fostered to the full measure of its requirements. To do this the Constitution must be amended, and I recommend that a Constitutional amendment to this effect be submitted by this Legislature to the qualified voters of the State.

#### PRAIRIE VIEW NORMAL.

The Prairie View Normal, located near Hempstead, is conducted at State expense and was established for the education of teachers for colored schools and for the practical training of colored youths. It is also managed by the Board of Directors of the Agricultural and Mechanical College. It is one of the best and most prosperous schools of its kind in the entire country. Its growth is shown by the increase in the enrollment of those receiving training in the school. In 1906 the enrollment numbered 468 students; in 1910 it increased to an enrollment of 830. This school has been amply supported and properly conducted during the last four years. The policy of adequate support by the State should be continued. The school is doing a good work and the funds furnished should not be grudgingly given. During the last four years the State has spent for this institution in permanent repairs, improvements and for additional buildings the sum of \$37,500, and ample funds for maintenance have also been provided.

#### THE COLLEGE OF INDUSTRIAL ARTS.

The first session of this College opened in September, 1903. It is at Denton and was located under an act of the Legislature providing for the "establishment and maintenance of a first class industrial institute and college for the education of white girls in this State in the arts and sciences," and it is at this time filling a place of usefulness in our educational scheme, the importance of which should not be under estimated. The attendance is fully up to the facilities and opportunities furnished, and the College is a success and altogether prosperous.

The State has been liberal with this College during the last four years, having provided ample maintenance and having expended during that period for repairs, improvements

and in the erection of buildings the sum of \$85,556. This institution should be appropriately supported, maintained and developed and its necessities in the matter of improvements, buildings and equipment should command the needed funds as conditions justify and require.

#### STATE NORMALS.

The first essential of good public schools is skilled, trained and competent instructors. To instruct and train teachers the following State Normals were established:

The Sam Houston Normal Institute at Huntsville; the North Texas Normal College at Denton; the Southwest Texas State Normal School at San Marcos; and the West Texas Normal College at Canyon was located in 1909, the erection of the college buildings was commenced early in 1910 and are now about completed. This college began its first term in September, 1910, with an enrollment of about 200 students. The Sam Houston Normal for the regular session beginning September, 1906, had an enrollment of 535 students, and for the present session, which began in September, 1910, an enrollment of 655; for the summer school session of 1906, it had 167 students enrolled and for the summer school session of 1910 there was a total of 378 students attending this college. The enrollment at the North Texas Normal College for the session beginning in September, 1906, was 579, and for the present session, which began in September, 1910, 717 students, and the session is only about half completed. Summer session, 1906, it had 459 students and for the year 1910 it had 613 students enrolled. The Southwest Texas Normal School at its regular session beginning in September, 1906, had an enrollment of 424, and at the present session, which commenced in September, 1910, there is an enrollment of 524 students, with the session only half out; for the summer school in 1906, 237 students were enrolled, and 584 students attended the summer session of 1910. These three normals had a combined enrollment of 3471 students, including the summer normal sessions of 1910. These figures tell the story and show the remarkable growth of the normal schools during the past four years.

During the same period the State

has expended from general revenue for permanent repairs, improvements and for the erection of additional buildings for these institutions the following sums:

For the Sam Houston Normal, \$23,704.37; for the North Texas Normal, \$46,694.08; for the South-west Texas Normal, \$27,986.61; for the West Texas Normal College at Canyon, \$50,000, to which was added the bonus given by the citizens of Canyon for the erection of buildings of \$100,100, and a donation of forty acres of land upon which the college is established.

Other valuable improvements adding to their efficiency were made from the local funds of the three normals first named.

#### OTHER INSTITUTIONS.

The Blind Institute, the Deaf and Dumb, the Colored Deaf, Dumb and Blind Institute, and the Orphans Home at Corsicana, have all been in charge of competent school men for the past four years and have been conducted with marked efficiency and economy. The attendance at these respective institutions is increasing and the State has during the past four years added substantial repairs, improvements and new buildings, and on that account have paid out sums as follows:

For the Deaf and Dumb Institute, about \$22,000; for the Blind Institute, \$26,327.48; Deaf, Dumb and Blind Institute for Colored, \$5876.27, and for the Orphans Home, \$31,710.44.

At the beginning of this administration the asylums for the insane were filled to their utmost capacities, and like nearly all of the other State institutions, were badly in need of repairs, improvements and additional buildings with appropriate equipment. There were at that time more than 400 of the unfortunate insane languishing in jails, a condition which had obtained in greater or less degree for many years. The Epileptic Colony at Abilene was under the disadvantage of inadequate buildings and facilities. To meet these conditions, improvements and extensive repairs have been made, new buildings have been erected and the jails have been cleared in my term for the first time in a half century. The number of insane people and epileptics is increasing at

an astonishing rate and additional buildings and asylums must be provided to care for this increase in the future. During the past four years permanent repairs and improvements have been made and additional buildings have been erected at these institutions and at the following cost:

For the State Lunatic Asylum at Austin, \$141,365.97; for the South-western Insane Asylum at San Antonio, \$116,419.81; for the North Texas Hospital for the Insane at Terrell, \$70,913.40, and for the Epileptic Colony at Abilene, \$59,438. These items do not include any portion of the most important fund provided for the maintenance of the institution.

#### CONFEDERATE HOME.

After four years of administration without a single complaint from a resident of the Home, or from any other source, it is safe to assert that this is an ideal rest for the old soldiers of the Southern Confederacy. It is happily located upon one of the most interesting and attractive sites in the vicinity of Austin. Its buildings are comfortable, its tables are amply furnished with everything suited to the wants of the old soldiers, the surroundings are inviting and, taken altogether, it is truly a Home of contentment and happiness.

The buildings and grounds have recently been improved and made still more attractive and comfortable for its occupants. There are now living at the Home 390 Confederate soldiers, a larger number than ever before, and it will please the people of Texas to know that every applicant has been received at the Home.

The conditions of contentment and good fellowship prevailing at this Home prove that the management has been wise, competent and acceptable.

No State institution stood in greater need of repairs and improvements at the beginning of the present administration than the Confederate Home, and for this purpose \$18,926 has since been expended.

The duty of Texas to the Confederate Home and to its residents appeals to all patriotic men and that this duty will be faithfully discharged in the future as it has been in the past, no doubt can be entertained.

THE STATE INSTITUTION FOR THE TRAINING OF JUVENILES.

The name of the institution formerly known as the House of Correction and Reformatory located at Gatesville was changed by an act of the Thirty-first Legislature, which eliminated as far as was practicable all penal aspects, and it is now known as "The State Institution for the Training of Juveniles." The functions of the institution were changed and enlarged to meet in an advanced way the problem of correcting and training youthful offenders convicted of crime and for the restraint, reformation, education and training of delinquent and incorrigible boys committed to its care. The act provided for a Board of Trustees, composed of five members, three men and two women. The board is appointed by the Governor with the advice and consent of the Senate. The law became effective on June 17, 1909, the board was appointed, the institution reorganized and has since that time been successfully operated. There are now more than two hundred boys under commitment in this institution who are being corrected, trained and equipped for useful lives. These boys are being taught agriculture and trades, which comprise classes in painting, printing, carpentry, blacksmithing, plumbing, masonry, steam-fitting, designing and other lessons which will add to their usefulness and to the welfare of society. The development of this institution is shown by the following, which I quote from the biennial report of the able and conscientious Superintendent of the institution, which is as follows:

"There have been more permanent improvements added to this institution during the last three years of Governor Campbell's administration than have been added since the institution was established twenty-one years ago." To which I will add that during this administration permanent repairs and improvements have been made, and buildings erected at a total cost of about \$65,919.17. This is a worthy institution. It is performing a great service in its distinctive field of operation and should receive appropriate support and encouragement at the hands of your honorable bodies.

To summarize, I will say that the State has expended in permanent re-

pairs, improvements, equipment, and for the cost of erecting new buildings for the various State educational and eleemosynary institutions during the last four years more than \$1,364,500.00.

It was deemed wisest and best to promptly make all repairs that have been so long needed and it has also been the policy to make such improvements and to add such additional buildings as were necessary to develop and equip these respective institutions in such way as to enable them to meet every expectation and purpose and to discharge every obligation for which they were established. In this great work of preservation and development it is confidently believed that the people have value received for every dollar expended. While this work must go on as our population grows and the State's necessities increase, still the present general physical condition of the State's buildings and property will not demand so great an outlay at an early period.

STATE PENITENTIARIES.

This department of our State Government presents probably the most varied and perplexing problems encountered in the public service. Its fiscal affairs demand the best business talent and the successful management of its prison population requires experience and great executive ability. The importance of the subject appeals to thoughtful people everywhere. With the progress of enlightenment governmental responsibility in this regard is more seriously accepted and more intelligently and faithfully discharged. The object of punishment is to suppress crime and reform the offender. The suppression of crime can not be accomplished absolutely, but the certainty of punishment seems to be the only effective deterrent to the criminally inclined. The reformation of offenders can progress only under such favorable prison conditions as include humane handling, hope of reward for good conduct, wholesome discipline, reasonable employment and moral influences around them. Experience teaches that in every condition of life wholesome environments make good men better, while unhappy examples with their untoward influences make all men worse.

There are at this time 3455 convicts in the penitentiary, consisting



of 1043, white men, 2001 negro men, 355 Mexican men, 4 white women, 52 negro women.

During the past four years unyielding policies, looking to the final abolishment of the share farms and of the lease system, have been constantly and successfully applied. Reforms have been introduced, prison conditions are more satisfactory than ever before and will compare favorably with those obtaining in the best institutions of the kind in the entire country, and a long step has been taken towards the abolishment of the lease system and share farms, so that convicts may all be employed on State account. These policies were advocated by me and accompanied the announcement of my first candidacy for the office of Governor, and when it became my duty to appoint officials to manage and govern penitentiary affairs I selected and appointed men who were not only fully equipped and suited to the task of grappling with great business problems, but who were in full sympathy with the essential reforms for which I have always stood. Immediately upon assuming charge these officials directed their attention and energies to a more efficient organization and to the correction of any and all abuses that might have grown up in the system. New rules were formulated and enforced, new duties for the officers and employes were prescribed; incompetent men and those who had been guilty of excesses and abuses were dismissed from the service and capable, humane, sober, and industrious men took their places. A rigid discipline among officers and employes has been maintained throughout, and no wilful breach of discipline or of those proprieties incumbent upon officers or employes holding such positions has been condoned or excused.

The results are those which we had reason to expect with the execution of the plans outlined, committed as they were to the able and faithful officials with which the penitentiary system is now manned. The properties of the system at Huntsville and Rusk have been repaired, and they have been extensively improved with respect to necessary facilities for operation, the preservation of the properties and for the greater safety and comfort of the prisoners. Improvements on a larger scale than ever before, thereby adding to the productive power and materially enhancing the

value of the State farms, have been made. The sugar mills at Clemens and Harlem farms are in good condition and have been improved by new buildings and the additions of modern machinery and equipment. During the year 1908 the Board of Penitentiary Commissioners with my approval, purchased three tracts of land, aggregating 14,174 acres of fine agricultural lands suited to the growing of corn, cotton, and sugar cane, and situated in Fort Bend and Brazoria counties. One tract situated in Brazoria county, now known as the Ramsey farm, and containing 7,782 acres was purchased at a cost of \$107,005.25, which price with 6 per cent interest was contracted to be paid from the crops. This has been paid, principal and interest. There were about one thousand acres of this farm in cultivation at the date of the purchase and about 1,500 acres have been added since, which makes about 2,500 acres now in cultivation, with about 500 acres more new land for the coming year. This is one of the most desirable and valuable tracts of land in that rich and productive region, nearly every acre of which will be very productive when cleared and put in cultivation. This farm has been developed and equipped rapidly since its purchase. About 2,000 acres of new land have been cleared. New, up-to-date prison buildings have been erected and furnished with accommodations for the care of 300 prisoners. Other buildings and ample farming implements and necessary stock and equipment have been provided, and an artesian well which supplies fresh, pure water in abundance has been put down. This farm and its equipment, including the mules, horses and cattle and hogs, and the permanent improvements made is estimated by competent authority to be now worth \$280,000.00.

Another farm, known as the Imperial farm, is situated in Fort Bend county and containing about 5,435 acres, was purchased for \$160,000.00 on the same terms and conditions as those involved in the purchase of the Ramsey farm, and this purchase money with interest has also been paid during the last two years. Nearly four thousand acres of this farm are now in cultivation. New prison buildings with every essential for health and comfort have been erected, five hundred acres of new land have been this year added to that

already in cultivation and the farm has been splendidly equipped with stock and farming implements. With the improvements made this property, including houses, mules, cattle and hogs and equipment, is estimated to be worth at this time more than \$265,000.00.

The third tract of land was purchased which contains 957 acres and costing \$38,280.00. This tract was added to and made a part of the Harlem farm, which it adjoins. The Harlem farm, including the last mentioned tract purchased, is situated in Fort Bend county and now contains 3,740 acres, 3,200 acres of which are in cultivation, the remainder is under fence and used as a pasture. The additions in lands, in live stock, buildings, implements, and general improvements made during the last four years have greatly enhanced its value and it is now worth, including the sugar mill, live stock, and equipment, more than \$380,000.00.

The Wm. Clemens farm situated in Brazoria county contains 8,212.47 acres and about 4,000 acres are in cultivation, 1,900 acres of which were cleared, ditched and put in cultivation during the present administration. On this farm large expenditures have been made reclaiming wet lands, in the construction of bridges, erection of comfortable and safe prison buildings and a new sugar house and other buildings were built to replace those wrecked by the disastrous storm of July, 1909. On this farm 13 1-2 miles of standard gauge railroad have been built and equipped. The improvements, additions, buildings and equipment and the railroad which have been added during this administration have greatly increased the value of this property and it is now worth fully \$750,000.00.

The department has during 1910 opened up and improved with first-class prison buildings and other equipment including farming implements and stock, another farm of 1,000 acres near Huntsville in Walker county. This entire tract was fenced and about 600 acres were cleared and prepared for cultivation last year. This farm is known as the Goree farm and the property with its improvements and equipment, including live stock, is now worth about \$20,000.00. It is now used for the care of the women prisoners. There are now 56 women in the penitentiary, consisting of four white women, and 52 negro women.

Another farm known as the Wynne farm, containing about 2,000 acres and situated near Huntsville, is maintained by the system principally for the care of prisoners suffering from tuberculosis. About 300 acres are cultivated, the balance is used as a pasture. This farm is appropriately equipped with buildings, live stock, and other essentials. Crops of all kinds can be raised on this farm and all vegetables used at the Huntsville prison are here produced. This property with improvements made and the stock and other equipment is estimated to be worth at this time \$25,000.00.

These six State farms contain in the aggregate 28,169 acres, about 15,100 acres of which are now in cultivation. They are equipped for the care of and now furnish profitable employment for about 1350 prisoners, and as the lands are cleared and these farms developed, as they should be, their capacity, value, and utility for the purposes named will be increased.

#### RUSK PENITENTIARY.

On account of the necessity for closing down the blast furnace at the Rusk penitentiary, the activities at that prison have, much to my regret, personally, been reduced to the minimum. I had long entertained the hope and belief that iron on a large scale could be profitably made at Rusk with convict labor, that with systematic business methods and with proper sympathy and support on the part of those in charge of the work the enterprise could be made self-supporting at least. With this end in view extensive additions and improvements were caused to be made, but the results have been disappointing. I am now firmly convinced that with the low prices of iron obtaining and the high cost of coke, limestone, and other necessities in the manufacture of iron, present conditions so unfavorable as to make further efforts along this line unwise.

I did not reach this conclusion hurriedly or willingly, but it was forced by the experience of the managing officials and by the facts, conclusions and recommendations presented by the auditors employed by the Legislative Investigating Committee and also by this Committee itself in its report to me on the "Iron

Industry," made in compliance with the law under which the committee made its investigations. These reports show heavy losses from the beginning and promised continued losses and waste of money if operations were continued. All the penitentiary officials, except those at Rusk who favored but did not urge further operations, the auditors of the committee and the Legislative Investigating Committee recommended the immediate discontinuance and abandonment of the industry, and this was done and the blast furnace has not been operated since February 1, 1910.

The valuable property situated at Rusk, however, has been maintained, and I still believe that if the obstacles referred to are removed, which we under existing conditions could not accomplish, iron can probably be made at Rusk without loss to the State, and employment for a large number of prisoners can in this way be furnished. This prison should not be abandoned. The properties located at Rusk are too valuable, and I recommend that if your Honorable Bodies should determine to abandon the project of iron making finally, that you make provision for the establishment of a factory for making cotton and jute bagging, a wagon factory and the establishment of other practicable enterprises, which will not compete with free labor in a way hurtful to their prosperity. By this means sufficient profitable employment for four hundred or five hundred prisoners may be provided. The early abandonment of the abominable lease system demands this or some similar action, and I respectfully urge you to adopt this as one of the means for its speedy accomplishment. The buildings and equipment at Rusk are in better condition and more suitable for all the purposes mentioned than are those at Huntsville.

#### THE STATE RAILROAD.

This railroad extends from Rusk to Palestine, a distance of about 31½ miles; and was finished and equipped during the last two years. This railroad belongs to the properties of the penitentiary system and was constructed primarily as an aid to the iron industry and other prison

enterprises at Rusk, and the road was also authorized to serve the public in the carriage of freight and passengers. Its cost is recorded in the books of the system at \$527,382.64, in which arbitrary sum is included \$102,839.68, which was the original cost, as I am informed, of about ten miles of road constructed many years ago for the hauling of wood and charcoal to the prison, which wood road from non-use and want of repairs and maintenance had deteriorated and greatly depreciated and was of little value comparatively. This old road was carried on the books at the original cost and has been charged as part of the cost of the new railroad which used its right of way, and the grade and material that was left. It is believed that this old road and material could not have exceeded in value or saving in construction of the new line exceeding \$40,000, which shows an overcharge of \$62,839.68, and the road having been built by convicts an item of \$69,032 is included for labor of convicts. These convicts had no other employment at the time and most of them would have been maintained in idleness but for the employment given them in the building of this railroad. So deducting from the aggregate of these two items, amounting to \$131,871.68, from the total cost of the road as recorded in the books of the system and we have \$395,510.96, which represents the actual cost of this road to the State Penitentiary Department. The acts of the Legislature, authorizing the construction, completion and equipment of this road, authorized the loan of \$200,000 from the State permanent school fund upon bonds bearing 5 per cent interest. This money was borrowed by the system and used for the purpose mentioned and it gives me pleasure to inform your Honorable Bodies that \$100,000 of these bonds, together with all accrued interest, have been recently paid off and canceled, and that funds for the payment of the remaining \$100,000 will be available as soon as all the present crops are marketed. And you are further advised that all the farms and lands purchased and improved, and all horses, mules and other live stock purchased during this administration are paid for and

are now free of debt. And further, the penitentiary system does not owe a dollar other than the bonds mentioned and the current monthly obligations, and there are funds and supplies on hand and coming in sufficient to enable the system to take care of current expenses, continue improvements and to operate its prisons and farms another year without aid from the State Treasury. A still better showing would have been made in money on hand but for the extensive repairs, improvements and development of the properties and the disastrous drouth which cut off at least 75 per cent of the products from sugar cane this year, the loss by fire of the State's saw mill and lumber worth about \$40,000 and in the estimated loss of \$150,000 in damages to the farms and crops as a result of the storm in July, 1909.

Recurring to the State Railroad, it is shown by the report of the Financial Agent not to have earned a great amount in excess of its operating expenses. This was to be expected as the closing down of the furnace at Rusk cut off a large prospective business and it has no friendly connection or outlet at either end of the line from which it can secure business. The sale of this road has been urged by some, but I am firmly fixed in the belief that the best interests of the people demand that it be not sold, but that it be extended and placed on an independent operating basis. This can be done by convict labor at times when not otherwise employed, and such a line of railroad used as a lever in the hands of the Railroad Commission in the matter of reducing rates and otherwise regulating railroads would pay for itself, and its total cost would be saved every year to the people in reduced rates and improved conditions and accommodations. I am not a believer in government ownership of railroads as a general proposition, but I do believe that Texas should own and operate one railroad for the protection of the people, their traffic and commerce from the unreasonable exactions of the gigantic railway combinations now levying unjust tribute upon them.

#### PRISON REFORM.

The reforms wrought during this administration in prison matters

and some of the useful things accomplished have been already discussed, but it is not out of place to here refer to the fact that determined as I was to leave no stone unturned that would tend to achieve results along these lines, I recommended to the Thirty-first Legislature the propriety and importance of providing for a thorough investigation of the State Penitentiary System by a legislative committee. This was done. The committee performed its duties intelligently and faithfully. It subsequently recommended that I call a legislative session for the enactment of reform laws. Later upon the assembling of the Legislature in Called Session I submitted the committee's report, together with all the evidence taken for the information of its members and for legislative action. A law was passed which authorizes the organization of the penitentiary system by different methods from those theretofore obtaining. The law provides, among other things, for the appointment of three Commissioners with full powers of organization and management. Their terms of office expire at different times, but the tenure is fixed at two years. The law also embraces nearly all the reform rules and regulations formulated and promulgated by the present prison management, thereby wisely giving to them the force of law and that permanency which will tend to prevent a repetition of the abuses discovered and corrected by this administration. The law as passed is by no means perfect and not fully up to my expectations, but it is an improvement, it was timely and it should be perfected in line with the objects sought to be obtained as defects may be disclosed in its operation. Much depends upon its proper application and execution, and great responsibilities rest upon the Commissioners and they should be permitted at all times in the future to proceed with their task unfettered and unhampered by political considerations or political favoritisms incident to the distribution of partisan patronage. If the policy is adhered to and competent men are appointed as Commissioners, the law will be a success, otherwise prison affairs will suffer, abuses will arise and the law will most certainly fail of its purpose.

The penitentiary system should be removed as far as possible from politics and relieved absolutely of the interference and of the baneful influence of the spoilsmen, who are largely responsible for every abuse, default and mismanagement of the past. To this end, I recommend that this Legislature submit to the qualified voters of Texas an amendment to the Constitution creating a Board of Commissioners with the powers and duties prescribed by the new law, with a six years term of office for each. The Commissioners to be appointed by the Governor, one every two years after the first appointments, and removable only by the Legislature.

In concluding the discussion of this subject I take much pride in saying that the properties are in better physical condition than ever before, the financial condition is all that could be expected. More than \$1,500,000 in net values have been cleared and added to the State's holdings during the past four years, the prisoners are better fed, housed and clothed than ever before, they have been humanely treated and reasonably employed and our general prison conditions are up to the standard of the best in the United States or elsewhere. The department is in better position and has greater facilities for operation and increased financial results than at any time in the past. It only requires competent management to secure satisfactory results in larger net returns financially and otherwise than ever before. No such favorable opportunity was ever offered the penitentiary system as the one now at hand.

For the achievements of the past four years too much credit can not be accorded to the Board of Penitentiary Commissioners, to Col. J. A. Herring, Superintendent, and his assistants, sergeants, underkeepers, guards and other employes; to the Financial Agent, Mr. A. M. Barton, his assistants and other employes of that department. To each and all of them I here acknowledge my debt of gratitude for the most successful administration of the penitentiary system in its history.

#### DEPARTMENT OF STATE.

The report of the Secretary of

State illustrates in a convincing manner the importance of that department. It gives results indicating the growth and development of the State during the last four years. No safer index to the State's industrial and commercial importance and progress can be furnished than that found in the increasing receipts of this Department. During the four years preceding this administration the net receipts of the Department were \$1,044,736.63, and for the four years of this administration the net receipts aggregate \$2,234,138.32. An increase of \$1,189,401.69. All of this increase came subsequent to the enactment of the corporation tax laws by the Thirtieth Legislature, which have already been discussed under an appropriate heading in this message. As suggested by the Secretary of State, this remarkable increase in receipts would have been impossible without the corporation tax and fee laws enacted during this administration and the unusual development commercially and industrially indicated by these figures successfully refute the unwarranted criticism in some quarters of the general legislation of the Thirtieth and Thirty-first Legislatures.

The value of the tax laws referred to is better understood when it is known that these receipts, aggregating \$2,234,138.32, as before stated, are paid into the State Treasury to the credit of general revenue and aid in reducing the ad valorem tax rate on the people under the operation of the automatic tax law.

I suggested in my message to the Regular Session of the Thirty-first Legislature that much of the service is performed by this Department for individuals and corporations without any sort of compensation to the State, and recommended that fees should be provided by law, as I could see no reason for this free service. I again recommend that fees and compensation in keeping with the service rendered should be fixed and prescribed.

#### THE GENERAL LAND OFFICE.

The biennial report of the Commissioner of the General Land Office for the two years ending August 31, 1910, gives the operations of the General Land Office. During the pe-

riod mentioned the General Land Office was, under a law passed by the Thirty-first Legislature, reorganized and a new accounting system installed, in accordance with the recommendations of the auditors who were employed by virtue of an act of the Thirtieth Legislature to check the department and furnish plans for the installation of an up-to-date accounting system, including a more perfect check, a more efficient operation of the department and a more systematic and economical handling of the State's land business. The report of the auditors included the recommendation that all land accounts be transferred from the Treasury Department to the Land Office Department, which was accordingly done by virtue of the legislation which was enacted upon the recommendation of these expert accountants. The law became effective and the new system was put in operation on September 1, 1909, and the Land Commissioner reports, among other duties performed, the handling of \$2,742,922.81 in remittances for land during the first year under the operation of the new plan. He also reports \$72,256.31 received during the same time in office fees. The system is highly commended by the Land Commissioner as one furnishing a perfect check on all principal and interest paid and that its operation has been a great improvement over the old system, working satisfactorily to the department forces as well as to the general public.

The interior of the General Land Office building has been overhauled, changes and additions have been made, arrangements facilitating the work have been furnished, with the view to system and efficiency in the service, which was accomplished with the expenditure of \$5,506.14 out of an appropriation of \$15,000.00 made for that purpose by the Thirty-first Legislature. The re-arrangement and improvement in the accounting system of this department had for its object greater facilities, higher efficiency and every economy consistent with industry and good business methods. The first of which has certainly been accomplished, but the plan for such economy as was contemplated has met with its obstacles. It will be readily seen that the change required a larger force until those in charge became more accus-

tomed to the new and changed duties, but the time is now at hand when measures of further economy can be more successfully enforced by the Legislature.

The Commissioner reports 3,955,788 acres of school land still unsold and unsettled. It is known that a large portion of this land lies in the hills and mountains and much of it is unsuited for location and settlement by those seeking homes. The law as it stands at present requires residence upon school lands by purchasers. This policy should not, in my opinion, be changed, and therefore I can not concur in the suggestion that the Legislature provide for the sale of the remaining unsold school lands without requiring residence thereon. Lands that are unsuited for cultivation or pasture have probably other latent elements of value that should not be hastily dismissed from consideration. The mineral worth of this school land is unknown and I am of the opinion that the lands not suited for homes and agricultural purposes should not be frittered away for the small prices that they will bring if classified and sold without reference to residence. The valuable mineral possibilities of these lands should be conserved. It is true that we have a statute reserving to the State the mineral rights, still Section 7, of Article 14, of the Constitution releases to the owners of the soil all mines and minerals, which raises a question worthy of faithful consideration by your honorable bodies. I do not know just how valuable the State's mineral lands are, but observing the activity in the efforts to secure them, I am persuaded that the Legislature and General Land Office should move in the matter with the utmost caution, lest great losses to the permanent school fund be sustained. The report of the Land Commissioner contains much interesting information and data and its careful perusal by the members of the Legislature is suggested and commended.

#### ATTORNEY GENERAL'S DEPARTMENT.

The last biennial report of the Attorney General is accompanied by tables, schedules and opinions, illustrating the matters treated, the character and amount of work done and the general usefulness of the department as constituted and administered

during the period covered by the report. As the State develops, as the population increases, and as the corporate, commercial and industrial enterprises multiply and grow and as the necessity for the employment of governmental agencies for the promotion and protection of the people's interests in this onward march arise, the responsibilities of this department will increase, and its activities and usefulness will be measured by the legislative support rendered and by the fidelity and ability of those charged with the duty of administering its affairs.

The importance of the office of Attorney General made manifest by the gratifying achievements of the department during the period covered by this administration, and its great value to the people during the last biennial period reported is established by results that can not be questioned. The tremendous volume of business transacted in that department and the labor and duties involved can only be surmised from results, as full and accurate details could not be attempted within the scope permissible in this message or even in the biennial report of the department. A few matters mentioned in the report are of such striking importance as to call for especial mention at this time. It is shown that this department has, during the last two years, represented the State in the trial of 133 cases, in which trials the State was successful in 107 cases, while it lost 26 cases. There are 97 cases now pending in the courts and the Attorney General advises that he has other important cases in course of preparation at this time that will be filed at an early date.

Let us refer briefly to some of the things accomplished during the period named, as shown by the report of the Attorney General. In addition to the suits above mentioned the department recovered judgments amounting in all to the net sum of \$1,936,680.04, in prosecutions for violations of the anti-trust laws alone, all of which has been deposited in the State Treasury.

In seven land suits filed, judgments were rendered for the State, recovering 20,121 acres. Parties against whom evidence was secured for suits surrendered 22,480 acres without contest, making a total of 42,601 acres recovered. A portion of this

land has already been resold at an advanced price, netting the State the sum of \$10,545.37 as a result of these suits.

In seven mandamus suits against the Commissioner of the General Land Office which were successfully resisted by the Attorney General's Department a net advanced price over that insisted upon by those claiming under preference and other rights, was secured, which amounted on sales of the land to \$282,428.82.

In the case of State vs. Texas Channel & Dock Co., the State recovered 929 acres of land on Harbor Island. This is valuable land in view of the proposition of the Federal Government to provide a great harbor at this point.

Suits are now pending and the evidence has been collected in which 208,194 acres of land are involved and which is sought to be recovered for the permanent school fund.

Many suits have been filed against corporations organized ostensibly for benevolent, scientific and other worthy purposes, but really for the purpose of selling liquor and promoting gambling and other vices, in violation and evasion of the law. More than thirty charters of these corporations have been forfeited and evidence has been gathered against others upon which suits are in preparation at this time. Cases involving the constitutionality of the intangible tax law and the gross receipts tax law have been successfully defended through all the courts and much other litigation in which the people are vitally concerned has been handled by the Attorney General's Department.

The law prohibiting insolvent corporations from doing business in Texas, the State Bank Law, the new tax laws, and other recent legislation, impose new duties upon the Attorney General and upon the department, requiring much time and often much labor and research.

In my message to the Regular Session of the Thirty-first Legislature I called attention to the necessity of furnishing by appropriations sufficient funds for gathering the testimony and for the prosecution of suits for the recovery of the large areas of land belonging to the public free school endowment and to the permanent funds of other State institutions that were then being oc-

cupied, held and used improperly and illegally. I then recommended that provision should be made for protecting these lands from illegal acquirement and occupancy and for the recovery of those held in violation of the law. Whereupon the Legislature appropriated \$25,000.00 for this purpose and for all other purposes incident to the enforcement of the laws of the State. Following this action of the Legislature, the Attorney General with my approval employed two additional assistants and with my approval made other expenditures in his discretion, increasing his facilities and operations in the enforcement of all the laws including the land laws, anti-trust laws, general corporation laws, the corporation tax laws and the railway regulation laws, and later the liquor regulation laws and the anti-gambling laws, as effected by the "liquor club" suits that have been instituted and are still being filed.

In view of the intelligent activities displayed and the able administration of the Attorney General's Office, attended by the well known results, the interests effected by the enforcement of these laws would doubtless welcome action abolishing this instrumentality created as one of the important factors for use in the protection of the people against lawbreakers and their coadjutors.

The Attorney General's Office is second in importance only to the office of Governor, and conditions can be easily imagined wherein the Attorney General's Office would be of first importance, and it behooves good men to uphold the department in everything conducive to law enforcement and good government, and in every orderly exercise of its appropriate functions.

I believe the people of Texas expect us to uphold this department in the work done and yet to be done. So believing, and following my own inclinations, all based upon my confidence in the ability, patriotism and unwavering integrity of the Attorney General, I urge your honorable bodies, respectfully but earnestly, to place within his reach by immediate appropriations and for the use of that department sufficient funds with which to conduct the office and for the enforcement of all the laws of this great commonwealth.

#### COMPTROLLER'S DEPARTMENT.

The report of the Comptroller embraces a showing in useful and interesting detail the operations of that department of the State government and contains other information bearing upon matters of interest concerning every branch of the government. It would be worth while for members of this Legislature to carefully examine this report so that they may profit by the information it contains. The law reorganizing this department, which has been discussed under another heading, does not become effective until September 1, 1911, after which date the business of the department can be better systematized, and more promptly, advantageously and economically handled.

The Thirtieth Legislature enacted a law to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication and also regulating the places wherein the same are sold and among other things imposing an occupation tax. This law was amended by an act of the Thirty-first Legislature which imposed many new duties and responsibilities upon the Comptroller, all having for their object a more effective and wholesome regulation of the liquor traffic in Texas and a more satisfactory enforcement of the law with respect to that business.

In the absence of proper diligence on the part of this officer the law will fall short of the purposes for which it was enacted, and no degree of efficiency or diligence will secure the desired results unless the Legislature equips the department with facilities and sufficient funds to conduct the investigations required and contemplated. This law should be enforced without fear or favor and to that end I respectfully urge and recommend that this Legislature immediately set aside by appropriations a fund for the use of the Comptroller sufficient in amount to enable him to comply with its wise and salutary provisions. It is believed that the Comptroller measures up to the responsibilities imposed upon him by this new law and it only remains for the Legislature to provide proper assistance. If proper support is given the Comptroller the law will be more effectually enforced and respected, otherwise the results can only be left to conjecture.



## OTHER DEPARTMENTS.

The respective reports of the Railroad Commission, State Tax Commissioner, State Revenue Agent, Adjutant General, State Purchasing Agent, Commissioner of Insurance and Banking, Confederate Pension Commissioner, Superintendent of Public Buildings and Grounds, superintendents of eleemosynary institutions, Fish, Oyster and Game Commissioner, Dairy and Food Commissioner, and all other reports covering the operation of departments and State institutions will accompany this message and it is respectfully suggested that a study of these reports with the recommendations therein contained will be of advantage to the membership of this Legislature in dealing with all matters pertaining to the public service.

## DIGEST OF CIVIL AND CRIMINAL LAWS.

The Thirty-first Legislature passed an act to provide for the revision, digest, annotation and publication of the civil and criminal laws of the State. This act provided for the appointment of three commissioners, learned in the law, whose duty it is to make the revision and digest of the laws, civil and criminal, and to annotate the same. The law also requires the commissioners so appointed to embrace the results of their labors in two bills, one to contain the Civil Statutes and State Constitution as adopted and amended and annotated and digested, and the other bill to contain the entire body of the statutes relating to criminal law, both to be properly indexed, annotated and digested, which bills the said commissioners were required to report to the Governor before the meeting of this Legislature; and the Governor is required upon the receipt of said bills and reports to cause 300 copies of the same to be printed for the use of the Legislature.

Upon the taking effect of this act I appointed Hon. James G. Dudley, Hon. H. G. Robertson and Hon. R. B. Minor commissioners, all of whom are learned in the law, and each possesses attainments, qualifications and habits of industry especially suited to the duties imposed upon them by the law. They qualified and at once entered upon the discharge of their duties. Section 4 of the act authorizes the said commissioners to employ assistants to annotate, digest

and properly index the Statutes when so revised, and while the work has progressed rapidly, the great magnitude of the undertaking is such that it can not, as I am informed by the commissioners, be finished in time for a final report to the Governor before the adjournment of this Legislature.

The work of revising the Constitution and Civil Statutes is about completed, but the annotation and digesting is incomplete and not ready for the report. The bill embracing the Statutes relating to criminal law, properly indexed, annotated and digested as required, has been reported and is herewith submitted to your honorable bodies for such action with respect thereto during the present session as may be appropriate. It was not received until January 9 of the present year and could not, therefore, be printed in time for your immediate use. However, legislation will be required to authorize the completion of the work and an additional appropriation will be required to complete the revision, annotation and digesting of the Civil Statutes and State Constitution, and this action I respectfully recommend.

## ESTIMATES FOR THE NEXT TWO YEARS.

Estimates of amounts required to be raised by taxation for all purposes during the next two years are given in the report of the State Comptroller of Public Accounts, to which your attention is respectfully directed. In this connection, however, I will say that in view of the large and valuable improvements of buildings and other properties of the State which were necessary and which have been made during the present administration, I believe that a reduction of your general appropriation bill, as compared with the appropriations for the fiscal period ending August 31, 1911, can safely and with propriety be made, and this can, in my opinion, be done without impairing the efficiency of the public service.

It will be remembered that the Thirty-first Legislature in its liberality and influenced doubtless by the large surplus on hand at that time, which presented the usual temptation for extravagance, appropriated large sums of money for public purposes, some of which were deemed by me unnecessary, hence items aggregating approximately \$2,250,000 were vetoed.

Notwithstanding the fact that

these items which were vetoed as unnecessary, amounted to so large a sum in the aggregate, no embarrassment whatever for want of funds for necessary improvements or for administrative necessities and purposes has arisen. One of the items vetoed was an appropriation to pay off and cancel the State bonds maturing July 1, 1909, amounting to \$1,068,900. These bonds were later refunded by virtue of an act passed by the Thirty-first Legislature at its Third Called Session, and provision was made for creating a 2 per cent sinking fund for their retirement as the Constitution requires.

I here venture the further suggestion that, inasmuch as the present State ad valorem tax rate of 4 cents on the \$100 was fixed under the automatic tax law with reference to the receipts to the credit of general revenue from all other sources during the year ending June 30, 1910, and with respect to the appropriations already made for the fiscal year ending August 31, 1911, it would be unwise and imprudent to make any special appropriations, other than those demanded by emergencies, payable prior to the end of this fiscal period, as no provision has been made or could be made for such special appropriations. This policy was recommended in my first message to the Thirty-first Legislature.

If your special appropriations are made payable after September 1, 1911, they can be taken into account in fixing the tax rate for the following year, otherwise they can not be provided for, as the contingencies giving rise to them can never be anticipated by the State Tax Board in fixing this rate.

#### RECOMMENDS OTHER LEGISLATION.

I can not subscribe to the proposition that this Legislature should accommodate itself to those special interests now demanding no further legislative action than the passage of an appropriation bill. With pleasure I concede that the Thirtieth and Thirty-first Legislatures enacted more laws in the interest of good government than has been the custom, still there are important matters now requiring the attention and action of this Legislature, and as the Constitution requires the Governor at the close of his term to recommend by message to the Legislature such measures as he may deem expedient, I am led to a discharge of that duty.

#### ELECTION LAW.

The Democratic platform of 1906 demanded among other amendments to the Terrell election law an amendment that would "by blanket primary" enable a majority of the voters of the respective parties to make nominations by direct ballot of the voters without the intervention of conventions," and by message I recommended legislation upon this demand of the party. A law was passed in which it was attempted to simplify and perfect the old law and providing for a uniform test and for party nominations of candidates by direct ballot of the voters by a plurality instead of a majority of the voters and without the intervention of conventions. While I did not endorse the plurality method prescribed, I approved the bill on account of the other useful amendments and provisions improving the old law, and have urged since and at all times a change in the law to provide for all nominations by a majority of the ballots of all the voters participating in primary elections.

It can be easily seen that the provision for plurality nominations is fraught with danger to the welfare and liberties of the people. It is possible for evil and designing interests by combinations and with the use of money and other corrupting influences to control elections, dominate the people and run the State government in their own interest. It seems to me that the advisability and importance of a change should appeal to every one concerned for the welfare of the Democratic party and for the best interests of the people and the State.

I therefore again respectfully urge the enactment of legislation providing for an amendment to the existing law to enable a majority of the voters of the respective political parties to make nominations by blanket primary and by direct ballot of the voters without the intervention of conventions, as demanded by the Democratic platform of 1906. And I recommend further that additional safeguards be provided for the protection of the ballot and to secure results unattended by fraud.

#### HOME FOR CONFEDERATE WOMEN.

For many years I have enjoyed the honor of advocating an amendment to our State Constitution, authorizing the establishment of a home for the

wives and widows of Confederate soldiers and sailors and for women who aided in the Confederacy.

I recommended in my message to the Thirtieth Legislature that an amendment to this effect be submitted to the qualified voters of the State, which action was taken, but on account of the apathy of its friends the amendment failed of adoption at the election. The subject was treated and a similar recommendation for its submission again was made in my message to the Thirty-first Legislature. The amendment was accordingly submitted and was at the recent general election adopted by a decisive and overwhelming majority. No brighter page in our State Constitution was ever written by the hand of patriotism than the one adorned by this amendment. It reflects the chivalric pride of a noble citizenship and enables Texas to honor herself in a becoming manner and in a way befitting though long deferred.

It therefore becomes the duty of this Legislature to make suitable provision for the establishment and maintenance of a Home for the Confederate women and I commend you to the pleasant task.

That association of noble women, the Daughters of the Confederacy, with the tenderest love in their hearts and actuated by motives most sublime, have been untiring in their devotion to this cause and the men of Texas owe much to them for this opportunity to give additional lustre to the honor and glory of our State.

#### CIVIL AND CRIMINAL PROCEDURE.

The Democratic platform of 1906 contained the following demand with respect to needed legislation on the above subject: "We suggest such legislation as will simplify the procedure in both civil and criminal trials, and recommend such reforms as may be practicable in our jury system." This demand of the people was presented to the Thirtieth Legislature in my first message to the regular session and again at the called session. Some appropriate legislation on the subject was enacted, but the more important reforms proposed were defeated. I again went before the people in my campaign for re-election and advocated these and other reforms and at the San Antonio convention in 1908 the Democracy, still insisting upon reforms in this particular,

declared in the platform as follows: "We recommend such amendment and changes in the laws governing court procedure as will reduce the expense of litigation and tend to the speedy administration of justice in civil and criminal cases."

In presenting this important platform demand to the regular session of the Thirty-first Legislature I used the following language, which expressed my views at that time and the views I still entertain on the subject: "In my campaign of 1906 for election to the office of Governor I advocated before the people the necessity for reforms in our court procedure and the platform of that year demanded changes looking to reform and to simplify the court procedure. In my message to both the regular and called sessions of the Thirtieth Legislature I urgently recommended a full compliance with this demand of the people. Some useful laws upon the subject were passed, but on account of the great volume of proposed legislation then pending and the active opposition of large and powerful special interests then and now profiting by our present complex and technical procedure, nearly all of the more important measures in the interest of the average man, and in the interest of proper economy and speedy action in the administration of justice, and to aid in the enforcement of the criminal laws of the State against corporate and individual law-breakers, were defeated. This important matter was again called to the attention of the people in the campaign of last year, and in their county conventions, mass meetings and State Democratic convention the people have again demanded reform legislation upon this subject in the interest of the taxpayers, and in the interest of law and order and in the interest of common-sense and more intelligent procedure in the administration of justice by our civil and criminal courts."

In my message to the Thirtieth Legislature, in urging a compliance with the platform demand that legislation simplifying the procedure in criminal trials should be enacted, I used the following language: "The present complex and cumbersome procedure is a shield to the criminal, defeats justice, increases the number of our courts and adds unnecessary burdens upon the taxpayers. Perplexing technicalities encourage crime, employ the time of the courts

to no useful end, and the people pay the costs. A rigid enforcement of all the laws is essential to the social well-being, and are demanded as the only safe guarantee of life, liberty and property. All laws can be enforced, and should be enforced fearlessly, impartially and without respect to locality or persons. To longer tolerate a system of technical obstacles behind which murderers and rogues may barricade themselves and defy the laws, would be a reflection upon the wisdom if not the sincerity of our statesmanship. To say that crime can run rampant in Texas, and that our laws can not be enforced is to admit that we are incapable of self-government. That our law-abiding citizenship is growing impatient and restless at the law's delays and the uncertainty of punishment for crime can not be denied. That there is just ground for such discontent must be conceded. There is too much machinery in our criminal trials, too much literature and too many refinements in the court's charge to the jury, and too many loopholes through which criminals may escape. When the court's charge in a criminal case is heard, especially the charge in murder cases, the intelligent citizen is often made to wonder how any man is ever punished for crime. How is it possible for any juror, not trained in the law, to ever measure the guilt or innocence of an accused person by rules and distinctions not always understood by the courts and lawyers themselves? Is it a surprise that juries disagree, that criminals go unwhipped of justice, that new trials are forced, cases reversed by the appellate courts, and that mob spirit is rife in Texas? The judges are not at fault; the jurors are not always to blame; the main difficulty is in the system. A fair and impartial trial, upon the law and the facts, without tangled and technical rules, should be accorded the accused, and when this is done, and not until then, so many trials and delays can be avoided and substantial justice may with some reason be expected in all cases."

With respect to the procedure in civil trials, I then said: "As in criminal cases, probably more than one-half of the civil suits tried and appealed or reversed and remanded for new trials, and many new trials are granted by trial courts on account of errors in the court's charge to the

jury. Costs to litigants are increased, delays and unjust burdens are laid upon those forced to invoke the aid of the courts to secure their rights under the Constitution and laws. The costs incurred by the counties for juries and other incidental expenses in the numerous trials of the same case is heavy and has attracted the attention of the people."

The conditions then existing and the temper of the people with respect to this question and the demand for reform along these lines is more pronounced at this time than ever before. It does seem to me that an earnest effort should be made to provide the relief demanded, and with that end in view I urgently recommend to the Legislature the passage of the following laws:

1. That jury exemptions be further limited, and that the causes for which the trial judge may in the exercise of his discretion grant excuses to jurors drawn for service, be accurately defined and further limited.

2. That the Legislature either prescribe by statute a common-sense form of charge in every criminal case of the grade of felony, or require such charge to embrace only the nature of the accusation, and a copy of the Statutes applicable to the offense charged, and the facts proven in the case.

3. An amendment modifying Article 723 of our Code of Criminal Procedure is recommended. This article, formerly 685 in the revision of 1895, appeared as follows: "Whenever it appears in the record in a criminal action upon appeal of the defendant that any of the requirements of the eight preceding articles have been disregarded, the judgment shall be reversed, provided the error is excepted to at the time of the trial." This was changed by the act of March 12, 1897, so as to read as follows: "Whenever it appears in the record in a criminal action upon appeal of the defendant that any of the requirements of the eight preceding articles have been disregarded, the judgment shall not be reversed unless the error appearing from the record is calculated to injure the right of the defendant, which error should be excepted to at the time of the trial, or on motion for new trial." Under the old article, 685, of the Revised Statutes of 1895, it was held by the Court of Criminal Appeals that if error, how-

ever immaterial, was excepted to at the time, reversal was required as the statute was mandatory. This, however, is not the rule under the present statute, Article 623, in view of the declaration therein contained, that judgment shall not be reversed unless the error is calculated to injure the defendant. The difficulty, however, lies in that portion of the article which now stands, "or on motion for new trial." The present statute would properly cover the case with the elimination of the words "or on motion for new trial." It ought to be perfectly clear that an error or procedure which lawyers deem of such little consequence as not to bring out objection to the action of the court at the time, and which was not of sufficient importance to occur to them as being injurious or hurtful to the defendant, could not in the very nature of things likely affect or influence any of the twelve jurors not learned in the law.

As the statute now stands, when the case is tried, notwithstanding a matter may not have been called to the attention of the court, if upon an examination of the entire record, after the trial, and in the office of learned counsel, a technical error is discovered which might be held to be calculated to injure the rights of the defendant, it can be raised for the first time in the motion for new trial, and a new trial or reversal follows, and the case tried over again. This ought by all means to be changed, and if changed would result in a more certain enforcement of the law and in the affirmance of many cases which under the present rule are required to be reversed for error usually technical, and in no way affecting adversely the substantial rights of the defendant.

4. A law should be enacted providing that no judgment should be reversed for an error which does not affect the substantial rights of the adverse party. This law should apply to both criminal and civil cases. This is now the rule in many States of the Union.

The enactment of laws embodying these views would, I believe, add to the law's enforcement, expedite trials, furnish ample protection to the innocent, discontinue the almost universal practice of appealing everything, and to a large extent prevent reversals and new trials, and, best

of all, it would add immensely to the people's confidence in the courts of the country.

With respect to the procedure in civil trials, I repeat my recommendations to the Thirtieth Legislature, and urge the enactment of the following laws:

1. A law authorizing verdicts to be rendered in trial of civil cases in the district court by the concurrence of nine members of the jury.

2. A law requiring judges to prepare their charges to juries in civil cases, and submit the same to the parties or to counsel on both sides of the case before the argument begins; that the charge of the court shall as now be read to the jury upon the conclusion of the evidence, if no arguments are to be made to the jury.

3. A law providing further that all special charges, or additional instructions to the jury proposed or requested by counsel shall be prepared, submitted to opposing counsel for objection, if any, and then delivered to the judge before the main charge is read to the jury; and that all exceptions to the main charge or to the giving or failure to give special charges shall be taken and the ground of objection stated in writing, and stated to the judge before the jury retires; and that all errors in the charge, or with respect to any special charges not then assigned and again pointed out in motion for new trial, shall be considered and held to have been waived, and shall not constitute grounds for new trials or reversals.

4. In the interest of economy and to facilitate the courts in the trial of civil cases, a law should be passed providing that in all civil cases all questions of law should be settled, issue joined and the pleading closed before a case can be placed upon the jury trial docket.

Every thoughtful man admits the necessity for legislative reform along the lines suggested and so often urged. The people and the press of the State are protesting against existing conditions and have the right to expect relief at the hands of your Honorable Bodies. The technicalities and high soaring, ornate literary nonsense now obstructing the courts encouraging crime, delaying civil and criminal trials and defeating justice should be swept away by

some common sense legislation. With this done the number of courts could be reduced instead of increased. Criminals could be more certainly and speedily punished, the average man in his legal contests with the more favored rich and powerful would be more certain of his rights and the taxpayers would be saved much of the large expenditure now necessary to defray the growing expense of court trials.

#### FREIGHT AND PASSENGER RATES.

In my first campaign in 1906, I advocated a law reducing passenger rates applying on railroads in Texas and also urged the Thirtieth Legislature by message to enact a law reducing the rates to two cents per mile per passenger. No action was taken and in my second campaign I again advocated the rights of the people in this respect, and in the treatment of the subject of freight and passenger rates in my message to the Thirty-first Legislature and in again urging a reduction of passenger rates by law I used the following language and made recommendations which I now reiterate: "It is a matter of common knowledge that the local freight rates applying upon Texas traffic is higher than that applying upon the local traffic of almost any State in the Union, and the faithful efforts of our Railroad Commission to reach a proper adjustment and to give the people needed relief has been resisted by every means and every subterfuge that could be devised by corporate cunning. In the enforcement of the Railroad Commission law the Commissioners should be fortified with ample funds to meet every necessity. About seventeen States have reduced the passenger rates to 2 cents per mile per passenger and not one of them has given the railways enough land in value equal to all the railroads in such States. This Texas has done. During the last Regular and Called Session of the Legislature I recommended that the passenger rates in Texas be reduced by legislative enactment to a maximum of 2 cents per mile. A bill having the object in view was introduced, and, of course, it was resisted by the railways and by every other agency that could be brought to their aid and assistance. This measure failed mainly as a result of the promise of the railways

to give the people better service and necessary relief from the unusual burdens imposed upon commerce and traffic in the way of freight rates. In other words, the Legislature and many others were induced to believe that conditions would be improved, and that the rates would be reduced. In this the people have been grievously disappointed. The conditions have not improved and instead of a reduction of freight rates the railways have increased the rates applying on interstate traffic having origin or destination in Texas an average of nearly 10 per cent, which increase upon the commerce and upon the products of the forests, factories and farms of this State will amount to at least \$3,000,000 per annum. The anti-pass law also largely increased their revenue from passenger earnings. I, therefore, again earnestly urge upon the Legislature the enactment of a law reducing passenger rates to 2 cents per mile."

Conditions demanding in right and justice a reduction of passenger rates have undergone no change since the above was written, further than the fact that the propriety and wisdom of such legislation has become more pronounced.

The rate of two cents per mile is applied by the railroads wherever they are in competition with interurban lines charging two cents and the business appears to be satisfactory and profitable. Non-residents of Texas and those riding on inter-state tickets over the railroads of Texas are favored with accommodations at less than two cents per mile, and the rate of three cents charged locally is only maintained on account of the monopoly enjoyed by the railroads and because the Legislatures have not yet been persuaded to accord to the people a just, fair and honest reduction of passenger rates. The increasing volume of business and every other consideration not only justifies but demands the reduction and such action on the part of this Legislature is respectfully recommended.

#### STATE PROHIBITION.

Twice the Democratic voters of Texas by a majority of the ballots cast have placed in the platforms of the party a demand for the submission of a constitutional amendment

to all the qualified voters of the State for adoption or rejection, prohibiting within the State of Texas the manufacture, sale, gift, exchange and intra-state shipment of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, except for medical and sacramental purposes.

I urged the submission of this question by the Thirty-first Legislature without success, and the demand was again submitted to the Democratic voters and by them incorporated in the platform with such an increased majority that Democrats heretofore resisting the submission of the amendment have about all recognized the earnestness of the people in this matter and further obstacles in the way of their rights in this connection will hardly be offered. This issue is now before the people and it should be settled promptly. The people have the right to demand legislative action upon any subject that concerns them or their government. They have made this demand and it should be respected. Now, assuming that the amendment will be submitted, I recommend that your Honorable Bodies submit it to the qualified voters of the State at an election to be held on the fourth Saturday in July, 1911. This is a date recognized by law as convenient to the people, a time when every voter can with probably the least inconvenience to himself or his affairs go to the polls and by his ballot give expression to his views upon the vital question and for these reasons I have suggested the above date for your consideration.

#### LIQUOR REGULATION.

A strict regulation of the sale of liquor of all kinds and legislation minimizing as much as possible the evils traceable to and flowing out of the traffic should appeal to every good citizen. A large per cent of the territory of this State, probably more than three-fourths, prohibits the sale of liquor under our local option laws, and probably more than three-fourths of the population of Texas reside in this local option territory. And the fact that this remaining one-fourth of our territory, known as "wet," and this remaining one-fourth of the population in such "wet" territory have furnished more than two-

thirds of the convicts received at the penitentiary during the last four years shows conclusively the effects of the traffic, and this state of affairs of itself clearly proves that the present laws are not adequate and that further legislation is absolutely necessary to check this reign of crime in many communities where liquor is still permitted to be sold.

I therefore recommend the speedy enactment of the following laws:

A law requiring all saloons and other places where liquor is sold to close not later than 7 p. m. and to remain closed until 6 a. m., and prescribing appropriate and effective penalties for its violation.

A law prohibiting the organization of "liquor clubs," and providing appropriate and effective penalties for violations or attempted evasions of its provisions.

A law prohibiting the sale of liquor within ten miles of any State educational institution supported in whole or in part by appropriations from general revenue should be enacted and enforced for the good of Texas, for the protection of our young men against the evil influences of the saloons, dens and dives surrounding our splendid State University and other educational institutions in Texas, and to remove these blighting influences from the pathway of the promising young manhood of our State who are now and who will hereafter seek the educational advantages offered by these State Institutions. The people of Texas want this law and legislators should no longer tolerate conditions under which the boys of Texas are sought and sacrificed upon such unholy altars. I urge you to respond to the voice of conscience and not to the influence of the liquor lobby in passing upon the question.

#### LAWS TO PROTECT THE BALLOT.

A law with effective penalties prohibiting breweries, saloons and persons interested directly or indirectly in the liquor traffic in the State or outside the State from contributing money or anything of value to campaign funds to influence the nomination or election of any candidate for a public office or to influence the result of any election upon any measure submitted to a vote of the qualified voters of the State.

A law requiring all persons contributing to or receiving campaign contributions to file a report of same with the county clerk or some other county official within twenty-four hours after such contribution is made or received and providing that such reports shall at all times be open to the inspection of the public, and providing as a penalty for any violation of its provisions a term in the penitentiary.

#### INCORPORATED NEWSPAPERS.

The people of Texas are entitled to know who owns the stock in every corporation chartered by the State, and especially are they entitled to know who owns the stock in newspaper corporations incorporated under the laws of Texas. The ownership of the newspapers that are read in the homes and at the firesides of the people should be known, so that when an editorial is read they will know who is doing the talking.

I therefore recommend the enactment of a law requiring the filing with the Secretary of State quarterly a sworn report showing the name of each and all the stockholders in newspaper corporation, the amount of stock owned, all transfers of stock and requiring the conspicuous publication of said report in the columns of the newspaper of the corporation so reporting and prescribing suitable penalties for any failure to comply with the law or for any evasion whatever.

#### CONCLUSION.

I have outlined and reviewed the more important achievements of this administration in matters pertaining to policies enforced and legislation enacted. In the administration of public affairs during the past four years I have with few exceptions had the co-operation of every department and branch of the service and for the good that has been done they are entitled to share in the credit. For their careful and intelligent co-operation I am personally grateful and I thank them. The Thirtieth and Thirty-first Legislatures deserve a permanent place in the memory and in the affections of the people. They wrought wisely and the laws they passed will endure as monuments to their integrity and patriotism. The laws passed are just and should not be impaired. These great measures in the interest of

4-S.

the masses of the people have been achieved as the result of agitation and open discussion before the people and in obedience to their will, and in most cases after the most stubborn and bitter contests with corporate cunning and the trained and unscrupulous forces of corporate avarice and greed. These laws deserve to live and to be permitted, untouched and unimpaired, to do their perfect work. They were enacted by the people and for the benefit of the whole people of Texas. For is there any open or straightforward opposition to them? I fear, however, that by indirect and sinuous means, under cover and on the pretense of making them less burdensome to the pretended interest of capital, and less obstructive to what is miscalled progress and development of our varied interests, efforts will be made to modify and emasculate them. Great and marvelous as our growth has been with a development during the last four years without a parallel in the State's history, a tax rate for all purposes that attracts immigration and investment, with the security of every form of property doubly assured, and the safety of every man within our borders guaranteed and protected, with law and order substantially enforced in every county of the State, with a happy and contented people in liberty enlightened and protected by law, working out a noble destiny, we nevertheless hear the coarse and rancorous voice of certain interests, demanding the repeal of some of the wisest and best of these laws as the price of their further entry into Texas and their further aid and contribution to her progress and upbuilding. And strange as it may seem, this idea has some support among good men who have been deceived and misled by designing or corrupt financial interests, and it also, for the same reason, has some support in honorable and patriotic newspapers mistaking as they do mere change for real progress while the designs of the financial pirates and brigands are actively, openly and unblushingly championed by that portion of the press that is subsidized, muzzled and throttled by corporate greed, or that has been debased and corrupted and controlled by the lawless element of the liquor traffic which deals in men and in votes as it deals in its liquors. These influences know no party, have no loyalty to country and know "No God but Gain." The forces of greed and



vice will doubtless gather at this capital during your deliberations. Their assaults will doubtless be conducted adroitly, cunningly and indirectly. Their subtle methods and flatteries will no doubt be skillfully employed to mislead and add honest men to their array of error, corruption and wrong. We never know when a crisis may be at hand, but with the evil forces now combined and at work in our State, patriotic men should be on their guard. They should stand together unselfishly and bravely for the good of Texas. To the demand of really good men who have been misled and who are mistaken and with whom we should really have no quarrel, and as well to the truculent and insolent forces who would corrupt and debauch this magnificent commonwealth of God-fearing, liberty-loving people, let the reply of this Legislature be that Texas is neither for sale or rent and that if the price of peace is to be her honor, that there will be no peace. That if peace means the surrender of all the rights of the people, that there will be no peace on such cowardly and despicable terms.

Tell them that Texas shall remain free and independent; that her traditions are sacred and that she declines to humble herself in the presence of corrupt power or bow in supine submission to such demands, but "with crest erect" and with face unabashed she will keep her honor unsullied and her glory undimmed.

Respectfully submitted,  
T. M. CAMPBELL,  
Governor of Texas.

#### STATEMENT OF AMOUNTS EXPENDED BY THE EXECUTIVE OFFICE.

Appropriation Q from January 12 to August 31, 1909:

Salary of Governor.....	\$ 2,666 68
Salary of private secretary .....	1,336 36
Salary of stenographic clerk .....	800 00
Salary of porter.....	280 00
Payment of rewards for the enforcement of the law .....	5,389 28
Books and stationery...	181 07
Freight, postage and telegraphing .....	368 60
Ice .....	15 85

Office fixtures.....	3 00
Contingent expenses....	74 52
Salaries of Board of Pardons .....	2,666 72
Contingent expenses of Board of Pardons....	57 26
	<u>\$13,839 34</u>

#### Mansion and Grounds.

Labor in keeping up Mansion and grounds.....	\$ 610 50
Water and ice.....	94 40
Fuel and lights.....	218 14
Contingent expenses	9 50
	<u>\$ 932 54</u>

Appropriation R from September 1, 1909, to August 31, 1910:

Salary of Governor.....	\$ 4,000 00
Salary of private secretary .....	2,000 00
Salary of stenographer..	1,200 00
Salary of porter.....	480 00
Payment of rewards and other expenses for the enforcement of the law .....	1,998 47
Payments of rewards, etc., heretofore authorized .....	974 27
Books and stationery...	88 65
Freight, postage and telegraphing .....	573 52
Ice .....	24 10
Office furniture.....	24 35
Contingent expenses....	79 60
Salaries of Board of Pardons .....	4,000 00
Contingent expenses of Board of Pardons....	100 25
Expenses of Board of Pardons in visiting penitentiaries .....	299 10
	<u>\$15,842 31</u>

#### Mansion and Grounds.

For Governor's Mansion, furniture and repairs..	\$ 1,326 60
Labor and employes at Mansion .....	799 25
Fuel and lights.....	378 41
Water and ice.....	197 17
Contingent expenses....	35 00
	<u>\$ 2,736 43</u>

Appropriation S from September 1, 1910, to January 5, 1911:

Salary of Governor.....	\$ 1,333 32
Salary of private secretary .....	666 64
Salary of stenographer..	400 00

Salary of porter.....	160 00
Payment of rewards and other expenses for the enforcement of the law	366 93
Books and stationery...	8 23
Freight, postage and tele- graphing .....	142 40
Ice .....	9 05
Contingent expenses.....	17 00
Salaries of Board of Par- dons .....	1,333 28
Contingent expenses, Board of Pardons.....	65 09
	<hr/>
	\$ 4,501 94

## Mansion and Grounds.

Labor and employes at Mansion .....	\$ 222 00
Fuel and lights.....	158 33
Water and ice.....	57 45
For Governor's Mansion, furniture and repairs (Appropriation R)....	36 20
	<hr/>
	\$ 473 98

## HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, January 11, 1911.  
Hon. A. B. Davidson, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has completed its organization by  
electing the following officers:

Speaker, Hon. Sam T. Rayburn.  
Chief Clerk, Bob Barker.  
Reading Clerk, O. P. Basford.  
Assistant Reading Clerk, T. B.  
Reece.  
Journal Clerk, J. L. Robinson.  
Assistant Journal Clerk, L. W.  
Wilkinson.  
Sergeant-at-Arms, Sebe Newman.  
Assistant Sergeant-at-Arms, Chas.  
P. Burkes.

Enrolling Clerk, J. T. Robison.  
Engrossing Clerk, Laton Stanberry.  
Calendar Clerk—Charles A. Gra-  
ham.

Doorkeeper, W. J. L. Sullivan.  
Assistant Doorkeeper, W. G. Wil-  
kins.

Chaplain, J. M. Renick.

Respectfully,

BOB BARKER, Chief Clerk,  
House of Representatives.

## MOTION TO RECESS.

Pending the reading of the Gov-  
ernor's message Senator Sturgeon

moved that the reading of the mes-  
sage be suspended for the present,  
and that the Senate recess until 8:30  
o'clock tonight, and that the reading  
of the message then be resumed.

Senator Watson moved a point of  
order that a motion to recess would  
not be in order pending the reading  
of the message.

Senator Meachum made the fur-  
ther point of order that the message  
being pending business and regular  
order, the reading of same could not  
be suspended without a two-thirds  
vote, contending that it would be a  
change of the rules of the Senate.

Pending discussion, and before the  
Chair ruled, Senator Watson asked  
for a division of the motion by Sen-  
ator Sturgeon.

Pending further discussion, Sen-  
ator Sturgeon withdrew his motion.

The reading of the Governor's mes-  
sage was then resumed.

Pending the further reading of the  
message,

Senator Ward moved that the Sen-  
ate adjourn until 10 o'clock tomor-  
row morning.

Senator Cofer moved that the Sen-  
ate recess until 10:01 o'clock tomor-  
row morning.

Senator Watson made a point of  
order on the motion to recess, con-  
tending that the rules did not provide  
for the suspension of the pending  
business in order to recess, and cited  
the rules of the Senate in support of  
his contention.

The Chair (Lieutenant Governor  
Davidson) sustained the point of or-  
der by Senator Watson.

Pending discussion, Senator Ward  
withdrew his motion to adjourn,  
which carried with it the other mo-  
tions.

(President Pro Tem. Hudspeth in  
the chair.)

Pending the further reading of the  
Governor's message, Senator Watson  
moved that the Senate adjourn until  
10 o'clock tomorrow morning. The  
yeas and nays were called for, and  
the motion was lost by the following  
vote:

Yeas—14.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Ward.
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

## Nays—16.

Bryan.	McNealus.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Warren.

## Absent—Excused

Terrell, McLennan

## REFUSED TO ADJOURN.

Pending further reading of the Governor's message,

Senator Watson moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Cofer made a point of order on the motion to adjourn, stating that no business had been transacted since a similar motion had been made.

The Chair (President Pro Tem. Hudspeth) overruled the point of order holding that the reading of the message from the Governor would be held as transaction of business.

The motion to adjourn was lost by the following vote:

## Yeas—11.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Watson.
Kauffman.	Weinert.
Murray.	

## Nays—17.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

## Absent.

Willacy. Meachum.

## Absent—Excused.

Terrell, McLennan

At the conclusion of the reading of the Governor's message Senator Meachum asked recognition to offer a resolution, and the Chair (President Pro Tem. Hudspeth) stated that the order of business was House bills on third reading and Senate bills on third reading, House bills on second reading and Senate bills on second reading, and, there being none, Senator Meachum was recognized and offered the following simple resolution:

## SIMPLE RESOLUTION.

By Senator Meachum et al:

Whereas, Our neighboring city of New Orleans desires to have the Panama Exposition held in that historic and hospitable city, and

Whereas, the location of this exposition is to be determined by the United States Congress; and

Whereas, we have heard with great pleasure the able argument of Louisiana's great Governor, the Hon. J. Y. Sanders, in advocacy of New Orleans' claims and wish to see that city selected for said Exposition;

Therefore we, the Senate of Texas, do hereby request our Senators and Representatives in Congress to use their best endeavors to assist the Louisiana delegation in securing the location of the Exposition at New Orleans.

MEACHUM,  
WATSON,  
MURRAY,  
HUDSPETH,  
WEINERT,  
ADAMS.  
HUME,  
PAULUS,  
KAUFFMAN,  
ASTIN.

The resolution was read, and

Senator Watson moved that the Senate adjourn until tomorrow morning at 10 o'clock.

Senator Cofer moved that the Senate recess until 10:01 o'clock tomorrow morning.

Senator Murray made a point of order that a motion to recess was in effect a substitute for a motion to adjourn, and could not be made.

The Chair (President Pro Tem. Hudspeth) overruled the point of order.

Action recurred on the motion to recess until 10:01 o'clock tomorrow morning, January 12, 1911.

The motion to recess was, at 10:15

o'clock p. m., adopted by the following vote:

Yeas—23.

Adams.	McNealus.
Astin.	Meachum.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Hume.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
Lattimore.	Willacy.
Mayfield.	

Nays—7.

Hudspeth.	Real.
Murray.	Ward.
Paulus.	Weinert.
Peeler.	

Absent—Excused.

Terrell, McLennan

#### AFTER RECESS.

The Senate was called to order at 10:01, January 12, 1911, which was pursuant to the time a recess was taken, Lieutenant Governor Davidson presiding.

Senator Peeler asked unanimous consent to offer a resolution, but there was objection, and Senator Willacy raised the question that the resolution provided for the counting of the vote of the incoming Governor and to provide for the inauguration and was a privilege matter. Pending discussion, the Chair (Lieutenant Governor Davidson) sustained the point of order, holding that the resolution was a privilege matter.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, January 12, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following House Concurrent Resolution No. 1, relative to counting the votes for Governor and Lieutenant Governor, and arranging for the inauguration of said officers.

Respectfully,

BOB BARKER, Chief Clerk,  
House of Representatives.

#### HOUSE CONCURRENT RESOLUTION NO. 1 REFERRED.

The Chair (Lieutenant-Governor Davidson) had referred, after their captions had been read, the following House Concurrent Resolution No. 1 to Committee on Privileges and Elections.

#### SENATE CONCURRENT RESOLUTION NO. 1—ON FIRST READING.

By Senator Peeler:

Senate Concurrent Resolution No.

1,

Resolved by the Senate, the House concurring, That the President of the Senate appoint a committee of three, and the Speaker of the House a committee of five, which joint committee shall arrange for the counting of the votes for Governor and Lieutenant Governor and arrange for the inauguration of said officers.

Read first time, and referred to Committee on Privileges and Election.

#### MESSAGE FROM THE GOVERNOR

Executive Office,  
State of Texas.

Austin, Texas,  
January 11, 1911.

To the Senate:

Complying with the Constitution and Laws of the State, I herewith report the appointments of the following named officers to fill vacancies occurring prior to the assembling of your Honorable Body.

These appointments are respectfully submitted for your advice and consent:

Thomas J. Brown of Grayson County, Texas, as Chief Justice of the Supreme Court of Texas, vice R. R. Gaines, resigned.

William F. Ramsey of Johnson County, as Associate Justice of the Supreme Court of Texas, vice Thomas J. Brown, resigned.

Albert C. Prendergast of McLennan County, Texas, as judge of the Court of Criminal Appeals of Texas, vice William F. Ramsey, resigned.

C. W. Robinson of Harris County, Texas, as criminal district judge of the Criminal District Court for the district composed of the counties of Galveston and Harris.

Max Andrew of Harris County.

Texas, clerk of the Criminal District Court of Harris County.

Harry L. Wright of Anderson County, Texas, and Robert M. Hamby of Travis County, Texas, as members of the State Insurance Board.

C. M. Smithdeal of Hill County, Texas, as district judge of the Sixty-sixth Judicial District of Texas, vice W. C. Wear, resigned.

L. E. Keency as district attorney of the Fifth Judicial District of Texas, vice Horace Vaughan, resigned.

W. L. Morris as district attorney of the Forty-Second Judicial District of Texas, vice W. P. Mahaffey, resigned.

L. J. Brucks as district attorney of the Thirty-eighth Judicial District of Texas, vice C. C. Harris, resigned.

Tom C. Bradley of Tarrant County, Texas, as member of the State Mining Board, vice Frederick C. Von Rosenberg, resigned.

Al Musgrove of Travis County, Texas, as member of the Board of Trustees of the Confederate Home, vice Joe G. Booth, deceased.

H. C. Jackson of Travis County, Texas, as member of the Texas State Board of Pharmacy, vice Bruce Vredenburgh, resigned.

Lloyd P. Lochridge of Travis County, Texas, as member of the Board of Managers of the Colored Deaf, Dumb and Blind Asylum, vice J. H. Hart, resigned.

Respectfully submitted,

T. M. CAMPBELL,

Governor of Texas.

#### OATH OF OFFICE ADMINISTERED TO DOORKEEPER.

Here the Chair administered the constitutional oath of office to Captain E. I. Kellie, doorkeeper.

#### EXECUTIVE SESSION—TIME SET FOR.

Senator Cofer moved that today, January 12, 1911, at 2:30 o'clock be designated as the hour for the Senate to sit in executive session to consider the above appointments by the Governor.

The motion was unanimously adopted.

(President Pro Tem. Hudspeth in the Chair.)

#### PRIVILEGES OF THE FLOOR EXTENDED.

Senator Meachum moved that the Senate, by unanimous consent, extend the privileges of the floor to ex-Lieutenant Governor Geo. D. Neal. The motion was unanimously adopted.

#### POINT OF ORDER.

Senator Cofer here called for bills and resolutions, and the Chair, President Pro Tem. Hudspeth, held that the regular order of business had been passed.

Senator Cofer made the point of order that the morning call had not been finished.

The Chair, President Pro Tem Hudspeth, overruled the point of order, holding that the morning call had been concluded.

Senator Sturgeon appealed from the ruling of the Chair.

Senator Meachum made a point of order that there was no morning call, as this was the same legislative day as yesterday, the Senate being recessed only.

The point of order was sustained.

Senator Murray also made a point of order that the Journal having not been printed and approved by the Senate, was not an official record.

The Chair overruled the point of order.

Action then recurred on the appeal from the ruling of the Chair, President Pro Tem Hudspeth, on the point of order by Senator Cofer, and

Senator Perkins was called to the chair and presided.

Question—Shall the Chair be sustained: Those desiring to sustain the ruling of the Chair vote yea; those to overrule the Chair vote nay.

The vote resulted as follows:

Yeas—13.

Adams.	Peeler.
Astin.	Real.
Hume.	Terrell, McLennan
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—17.

Bryan.	Carter.
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Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell of Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Perkins.	

Present—Not Voting.  
Hudspeth.

#### REGULAR ORDER.

President Pro Tem Hudspeth resumed the chair, and called the regular morning call, beginning with petitions and memorials, etc., which was in accordance with the ruling of the Senate.

#### STANDING COMMITTEE REPORTS.

(See appendix for standing committee reports.)

#### BILLS AND RESOLUTIONS.

By Senator Terrell of McLennan: Senate Joint Resolution No. 1, proposing that Article 16 of the Constitution of the State of Texas be amended by striking out and repealing Section 20 thereof, and substituting, in lieu of said Section 20 the following:

"Section 20. Except for medicinal and sacramental purposes, the manufacture, sale, gift, barter, exchange and intrastate shipment within this State of intoxicating liquors shall be prohibited; and the Legislature at its first session thereafter shall enact efficient laws carrying into effect the provisions of this section; providing for submission of such proposed amendment to the qualified electors for members of the Legislature at an election to be held throughout this State on the second Tuesday in July, 1911, and prescribing the form of ballots to be used in such election; directing the Governor to issue and have published proclamation for such election, and making an appropriation to defray the expenses of such proclamation, publication and election.

"Be it Resolved by the Legislature of the State of Texas:

"Section 1. That Article 16 of the Constitution of the State of Texas be amended by striking out and

repealing Section 20 thereof, and substituting in lieu of said Section 20 the following: 'Section 20. Except for medicinal and sacramental purposes, the manufacture, sale, gift, barter, exchange and intrastate shipment within this State of intoxicating liquors shall be prohibited; and the Legislature at its first session thereafter shall enact efficient laws carrying into effect the provisions of this section.'

"Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors for members of the Legislature at an election to be held throughout this State on the second Tuesday in July, 1911, at which election all voters favoring said proposed amendment shall have printed or written on their ballots the words, 'For the amendment to Article 16 of the Constitution of the State of Texas, providing for Statewide prohibition,' and all voters opposed to said proposed amendment shall have printed or written on their ballots the words, 'Against the amendment to Article 16 of the Constitution of the State of Texas, providing for Statewide prohibition.'

"Sec. 3. The Governor of the State is hereby directed to issue the necessary proclamation for said election, and to have the same published as required by the Constitution and laws of the State.

"Sec. 4. The sum of five thousand dollars (\$5000), or so much thereof as may be necessary, is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of such proclamation, publication and election."

Read first time, and referred to Committee on Constitutional Amendments.

By Senators Bryan, Carter, Cofer, Collins, Greer, Johnson, Lattimore, McNealus, Ratliff, Sturgeon, Terrell, Townsend, Vaughan, Warren, Mayfield, Perkins and Ward:

Senate Joint Resolution No. 2, A joint resolution proposing an amendment to Article 16, Section 20, of the Constitution of the State of Texas, prohibiting the manufacture, sale, storage, barter, exchange and intrastate shipment within this State, except for medicinal, scientific and sacramental purposes, of intoxicating liquors, fixing the time for

the election, directing the proclamation therefor, and making an appropriation to defray the expenses of such election.

Be it Resolved by the Legislature of the State of Texas:

Section 1. That Article 16 of the Constitution of the State of Texas be amended by striking out and repealing Section 20 thereof, and substituting in lieu of said Section 20 the following:

"Section 20. Except for medicinal, scientific and sacramental purposes, the manufacture, sale, storage, barter, exchange and intrastate shipments within this State of intoxicating liquors shall be prohibited; and the Legislature shall enact sufficient laws enforcing the provisions of this section. This provision shall be self-executing.

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors for members of the Legislature at an election to be held throughout the State of Texas on the fourth Saturday in July, being the 22nd day thereof, A. D. 1911, at which election all the voters favoring said proposed amendment shall have printed or written on their ballots the words: "For the amendment to Article 16 of the Constitution of the State of Texas, providing for State-wide prohibition." And all voters opposed to said proposed amendment shall have printed or written on their ballots the words: "Against the amendment to Article 16 of the Constitution of the State of Texas providing for Statewide prohibition."

Sec. 3. The Governor of this State is hereby directed to issue the necessary proclamation for said election, and to have the same published as required by the Constitution and laws of this State.

Sec. 4. The sum of five thousand (\$5000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of such proclamation, publication and election.

Read first time, and referred to Committee on Constitutional Amendments.

By Senators Bryan, Carter, Cofer, Collins, Greer, Johnson, Lattimore, McNealus, Ratliff, Sturgeon, Town-

send, Vaughan, Warren, Mayfield, Perkins, Ward:

Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of twenty-five thousand (\$25,000) dollars, or so much thereof as may be necessary, for the enforcement of any and all laws, and for the purpose of paying any and all necessary expenses in the employment of special counsel and in bringing and prosecuting all suits and paying expenses incurred in said suits, and providing that such appropriation shall be expended under the direction of the Attorney General, and declaring an emergency."

Read first time, and referred to Committee on Finance.

By Senator Meachum, by request:

Senate bill No. 2, A bill to be entitled "An Act to establish a prison system and declaring the policy of the State with reference thereto; to provide for the management and control of such prison system; to provide for the control, management and treatment of all prisoners sentenced to the penitentiary; to abolish the leasing and hiring of State prisoners; to provide rules and regulations for the government and conduct of such prison system; to abolish corporal punishment in the prison system; to provide for a Board of Prison Commissioners; to provide for their appointment and defining their powers, duties and authority; to provide for the purchase or sale of real estate by the Prison Commission; to vest title of all real estate owned by the prison system; to provide for the appointment of an auditor and prescribe his duties; prescribing penalties for the violation of this act; repealing Chapters 1, 2, 3, 4, 5, 6, 7 and 8 of Title 79 of the Revised Statutes of 1895, and all laws and parts of laws in conflict with this act; making an appropriation to carry out the provisions of this act, and declaring an emergency."

Read first time, and referred to Committee on State Penitentiaries.

BILL READ IN FULL.

Senator Meachum called for the reading of Senate bill No. 2, just introduced, in full.

# HOUSE CONCURRENT RESOLUTION NO. 1—REFUSED TO TAKE UP.

Pending the reading of Senate bill No. 2, Senator Watson called for House Concurrent Resolution No. 1, previously reported today, as a privileged matter.

Senator Cofer made a point of order that under the rules of the Senate a committee report had to lie over for one day, contending that House Concurrent Resolution No. 1 was not a privileged matter, and the point of order was sustained by the Chair, President Pro Tem. Hudspeth.

Senator Watson then moved that the Senate rule requiring committee reports to lie over for one day be suspended for the purpose of considering House Concurrent Resolution No. 1.

The motion was lost by the following vote:

Yeas—12.

Astin.	Peeler.
Hudspeth.	Terrell, McLennan
Hume.	Ward.
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—13.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell of Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Mayfield.	Warren.
McNealus.	

Absent.

Adams.	Paulus.
Lattimore.	Real.

# HOUSE CONCURRENT RESOLUTION NO. 1—REFUSE TO TAKE UP.

Pending the further reading of Senate bill No. 2, Senator Meachum called for House Concurrent Resolution No. 1 as a privileged matter, and moved to adopt the committee report.

Senator Cofer made the point of

order contending that the resolution was not a privileged matter, and that the committee report had to lie over for one day.

The Chair sustained the point of order.

Senator Meachum appealed from the ruling of the Chair, and pending his argument on same a recess was taken.

RECESS.

On motion of Senator Sturgeon, the Senate, at 12 o'clock, recessed until 2 o'clock today, January 12, 1911.

AFTER RECESS.

The Senate was called to order at 2 o'clock by President Pro Tem. Hudspeth.

PENDING QUESTION.

The pending question before the Senate when a recess was taken was the appeal from the ruling of the Chair on the point of order by Senator Cofer on House Concurrent Resolution No. 1.

Senator Ratliff was called to the Chair.

Question: Shall the Chair be sustained?

The Senate sustained the ruling of the Chair by the following vote:

Yeas—22.

Bryan.	Peeler.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Johnson.	Townsend
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Murray.	Weinert.
Paulus.	

Nays—6.

Adams.	Terrell, McLennan
Hume.	Watson.
Kauffman.	Willacy.

Present—Not Voting.

Hudspeth.



Absent.

Astin. Perkins.  
Meachum.

## PENDING BUSINESS.

Action here recurred on the pending business, which was the reading of Senate bill No. 2:

Senator Cofer moved that the further reading of Senate bill No. 2 be dispensed with for the present, and that it lie on the table subject to call.

Senator Watson made the point of order that the reading of the bill could not be dispensed with in accordance with the rules of the Senate and the Constitution.

The Chair sustained the point of order.

## H. C. R. NO. 1—REFUSED TO TAKE UP.

Senator Watson called up, as a privileged matter, House Concurrent Resolution No. 1.

Senator Cofer made the point of order that the committee report had to lie over for one day, and the Chair (President Pro Tem. Huds-peth) sustained the point of order.

Senator Watson then moved to suspend the Senate rule requiring committee reports to live over for one day. The motion was lost by the following vote:

Yeas—15.

Adams.	Peeler.
Astin.	Real.
Hudspeth.	Terrell, McLennan
Hume.	Ward.
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—16.

Bryan.	McNealus.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Warren.

## EXECUTIVE SESSION.

Here the Chair announced that the hour had arrived for the Senate to

sit in executive session to consider the appointments sent to the Senate by the Governor. The Senate Chamber was ordered cleared of all not entitled to remain.

In executive session the following confirmations were made as reported by the Secretary of the Senate:

Thomas J. Brown of Grayson county, Texas, as Chief Justice of the Supreme Court of Texas.

William F. Ramsey of Johnson county, as Associate Justice of the Supreme Court of Texas.

Albert C. Predergast of McLennan county, Texas, as Judge of the Court of Criminal Appeals of Texas.

C. W. Robinson of Harris county, Texas, as Criminal District Judge of the Criminal District Court for the district composed of the counties of Galveston and Harris.

Harry L. Wright of Anderson county, Texas, and Robert M. Hamby of Travis county, Texas, as members of the State Insurance Board.

C. M. Smithdeal of Hill county, Texas, as District Judge of the Sixty-sixth Judicial District of Texas.

L. E. Keeney, as District Attorney of the Fifth Judicial District of Texas.

W. L. Morris, as District Attorney of the Forty-second Judicial District of Texas.

L. J. Brucks, as District Attorney of the Thirty-eighth Judicial District of Texas.

Tom C. Bradley of Tarrant county, Texas, as member of the State Mining Board.

Al Musgrove of Travis county, Texas, as member of the Board of Trustees of the Confederate Home.

H. C. Jackson of Travis county, Texas, as member of the Texas State Pharmacy Board.

Lloyd P. Lochridge of Travis county, Texas, as member of the Board of Managers of the Colored Deaf, Dumb and Blind Asylum.

## IN THE SENATE.

## H. C. R. NO. 1—MOTION TO TAKE UP.

Senator Watson called up House Concurrent Resolution No. 1 and moved that the Senate rule requiring committee reports to lie over for one day be suspended.

Senator Cofer made a point of order that this motion having been

voted on previously today, and that the Senate had voted it down, could not be again made on this legislative day. Senator Mayfield also made a like point of order.

#### STANDING COMMITTEES—APPOINTMENT OF.

Pending discussion on the above point of order, Lieutenant Governor Davidson took the Chair and announced the following standing committees:

##### JUDICIARY COMMITTEE NO. 1.

Ward, Chairman; Meachum, Hume, Vaughan, Warren, Carter, Peeler, Murray, Lattimore, Watson, Astin, Weinert, Greer.

##### JUDICIARY COMMITTEE NO. 2.

Watson, Chairman; Hudspeth, Townsend, Paulus, Murray, Ratliff, Cofer, Adams, Johnson, Sturgeon, Willacy.

##### INTERNAL IMPROVEMENTS.

Kauffman, Chairman; Mayfield, Vaughan, Lattimore, Carter, McNealus, Terrell of Wise, Collins, Bryan, Hudspeth, Real.

##### EDUCATIONAL AFFAIRS.

Perkins, Chairman, Paulus, Collins, Astin, Ratliff, Sturgeon, Weinert, Real, Hume.

##### CONSTITUTIONAL AMENDMENTS.

Terrell of McLennan, Chairman; Cofer, Sturgeon, Mayfield, Lattimore, Vaughan, McNealus, Bryan, Collins, Johnson, Terrell of Wise, Townsend, Greer.

##### TOWNS AND CITY CORPORATIONS.

Meachum, Chairman; McNealus, Hume, Hudspeth, Perkins, Peeler, Vaughan, Terrell of McLennan, Kauffman, Lattimore, Collins.

##### PUBLIC LANDS AND LAND OFFICE.

Murray, Chairman; Hudspeth, Greer, Cofer, Johnson, Ward, Adams, Terrell of McLennan, Carter, Astin, McNealus, Willacy.

##### STATE PENITENTIARIES.

Weinert, Chairman; Meachum,

Hume, Mayfield, Ward, Townsend, Paulus, Carter, Astin, Willacy, Perkins.

##### PUBLIC HEALTH.

Peeler, Chairman; McNealus, Adams, Hudspeth, Warren, Watson, Willacy, Collins, Carter, Greer, Cofer.

##### MILITARY AFFAIRS.

Collins, Chairman; Peeler, Ward, Warren, McNealus, Bryan, Lattimore, Adams, Watson.

##### STATE AFFAIRS.

Peeler, Chairman; Real, Ratliff, Perkins, Johnson, Kauffman, Murray, Warren, Greer.

##### COMMERCE AND MANUFACTURES.

Lattimore, Chairman; Hume, Collins, Murray, Willacy, Kauffman, McNealus, Vaughan, Townsend.

##### ROADS, BRIDGES AND FERRIES.

Greer, Chairman; Ratliff, Weinert, Perkins, Johnson, Paulus, Kauffman.

##### PUBLIC DEBT, CLAIMS AND ACCOUNTS.

Townsend, Chairman; Perkins, Peeler, Ratliff, Terrell of McLennan, Murray, Johnson, Cofer, Warren, Watson, Sturgeon.

##### COUNTIES AND COUNTY BOUNDARIES.

Vaughan, Chairman; Hudspeth, Willacy, Carter, Townsend, Bryan, Adams.

##### RULES.

Hume, Chairman; Willacy, Watson, Peeler, Hudspeth, Murray, McNealus, Meachum.

##### FEDERAL RELATIONS.

Johnson, Chairman; Terrell of McLennan, Sturgeon, Hudspeth, Willacy, Bryan, Vaughan.

##### PUBLIC PRINTING.

McNealus, Chairman; Vaughan, Sturgeon, Terrell of McLennan, Terrell of Wise, Ward, Perkins, Ratliff, Astin.

##### JUDICIAL DISTRICTS.

Hudspeth, Chairman; Murray, Paul-

ns, Kauffman, Hume, Carter, Weinert, Watson, McNealus, Peeler, Meachum.

#### STATE ASYLUMS.

Bryan, Chairman; Real, Warren, Peeler, Terrell of Wise, Mayfield, Weinert, Astin, Townsend, Sturgeon, Ratliff.

#### STOCK AND STOCK RAISING.

Adams, Chairman; Bryan, Hudspeth, Johnson, Willacy, Kauffman, Murray, Lattimore, Mayfield.

#### AGRICULTURAL AFFAIRS.

Real, Chairman; Mayfield, Murray, Sturgeon, Willacy, Adams, Warren, Weinert, Collins, Bryan, Astin.

#### TREASURER'S AND COMPTROLLER'S DEPARTMENTS.

Sturgeon, Chairman; Greer, Cofer, Lattimore, Perkins, Terrell of McLennan, Vaughan.

#### PUBLIC BUILDINGS AND GROUNDS.

Carter, Chairman; Astin, Kauffman, McNealus, Meachum, Peeler, Ratliff, Terrell of McLennan, Townsend.

#### INSURANCE, STATISTICS AND HISTORY.

Astin, Chairman; Vaughan, Warren, Weinert, Willacy, Lattimore, Mayfield, Meachum, Sturgeon, Paulus, Bryan.

#### MINING AND IRRIGATION.

Paulus, Chairman; Terrell of Wise, Lattimore, Bryan, Terrell of McLennan, Murray, Willacy, Hudspeth, Perkins, Townsend, Mayfield.

#### LABOR.

Mayfield, Chairman; Terrell of Wise, Lattimore, McNealus, Hume, Real, Carter, Vaughan, Kauffman, Bryan, Ward.

#### ENROLLED BILLS.

Ratliff, Chairman; Vaughan, Perkins.

#### ENGROSSED BILLS.

Cofer, Chairman; McNealus, Terrell of McLennan.

#### SECOND HOUSE MESSAGE.

Hall of the House of Representatives, Austin, Texas, January 12, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following concurrent resolution, providing for a joint session of the House and Senate in the Hall of the House of Representatives at 8 o'clock p. m., January 12, 1911, for the purpose of hearing petition of Prohibition Executive Committee.

Respectfully,

O. P. BASFORD,  
Acting Chief Clerk, House of Representatives.

#### HOUSE CONCURRENT RESOLUTION NO. 2.

The Chair (President Pro Tem. Hudspeth) had referred, after its caption had been read, the following:

House Concurrent Resolution No. 2, read first time and referred to Committee on Constitutional Amendments.

#### PENDING POINT OF ORDER.

Action here recurred on the pending point of order, with President Pro Tem. Hudspeth in the Chair.

#### REFUSED TO ADJOURN.

Pending discussion on the above point of order, Senator Terrell of McLennan moved to adjourn, and Senator Meachum demanded the motion to be in writing. Following is the motion:

I move that the Senate stand adjourned till tomorrow (Friday) morning at 10 o'clock to the end that the Committee on Constitutional Amendments may report a resolution providing for the submission of a constitutional amendment to the people of Texas providing for State-wide prohibition.

TERRELL of McLennan.

Senator Cofer made the following motion in writing:

I move that the Senate recess until 10 o'clock p. m., January 12, 1911, to the end that the Committee on Constitutional Amendments may report a resolution providing for the submission of a constitutional amend-

ment to the people of Texas providing for State-wide prohibition, and in order to hear the advocates of this great cause in the Hall of the House of Representatives.

COFER.

Action being on the longest time first, the motion to adjourn until 10 o'clock tomorrow was lost by the following vote:

Yeas—14.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Terrell, McLennan
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—17

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

Action then recurred on the motion to recess and the same was lost by the following vote:

Yeas—14.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Terrell, McLennan
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—17.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

## H. C. R. NO. 2—REFUSED TO TAKE UP.

Senator Terrell of McLennan asked to call up House Concurrent Resolution No. 2, which took unanimous consent and there was objection.

## PENDING POINT OF ORDER.

Here the Chair (President Pro Tem. Hudspeth) overruled the pending point of order by Senator Cofer, holding that House Concurrent Resolution No. 1 was not a privileged matter, and that it would require a two-thirds vote to suspend the Senate rule requiring committee reports to lie over one day, but that motion could be made as often as desired until the required number of votes were received.

Senator Cofer appealed from the ruling of the Chair.

Senator Watson was called to the Chair pending the appeal.

Question: Shall the Chair be sustained?

The Senate refused to sustain the Chair by the following vote:

Yeas—13.

Adams.	Peeler.
Astin.	Real.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Nays—17.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

Present—Not Voting.

Hudspeth.

Senator Cofer offered the following motion in writing:

I move that a recess be taken until 15 minutes past 10 o'clock p. m. this same day.

The motion was adopted by the following vote:

## Yeas—28.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Willacy.

## Nays—3.

Hume.	Weinert.
Peeler.	

## AFTER RECESS.

The Senate was called to order by President Pro Tem. Hudspeth.

## REFUSE TO ADJOURN.

Senator Watson moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Peeler moved, as a substitute, that the Senate adjourn until 10:30 o'clock tomorrow morning.

Action being on the longest time first, the motion to adjourn until 10:30 o'clock tomorrow morning was lost by the following vote:

## Yeas—10

Adams.	Peeler.
Astin.	Terrell, McLennan
Hudspeth.	Watson.
Hume.	Weinert.
Murray.	Willacy.

## Nays—19.

Bryan.	Meachum.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

## Absent

Paulus.	Real.
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Action then recurred on the motion to adjourn until 10 o'clock tomorrow morning, and the same was lost by the following vote:

## Yeas—12.

Adams.	Peeler.
Astin.	Real.
Hudspeth.	Terrell, McLennan
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

## Nays—18.

Bryan.	McNealus.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

## Absent.

Paulus.
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## PENDING BUSINESS.

Action then recurred on the pending business, which was the reading of Senate bill No. 2.

Senator Cofer moved that the further reading of the bill be dispensed with.

Senator Meachum made a point of order on the motion and spoke to same.

Pending the discussion,

Senator Sturgeon asked to make a point of order but the Chair held that Senator Meachum was discussing a point of order.

(Senator Watson in the chair.)

Pending further discussion, Senators Mayfield and Cofer asked for recognition to make points of order, but the Chair held that Senator Meachum had the floor.

Pending discussion, Senator Meachum withdrew his point of order.

Senator Cofer withdrew his motion to suspend the reading of Senate bill No. 2.

## H. C. R. NO. 1—PASSAGE OF.

Senator Cofer called up House Concurrent Resolution No. 1, and on motion of Senator Cofer, the Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this resolution by the following vote:

## Yeas—29.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

## Present—Not Voting.

McNealus.

## Absent.

Paulus.

On motion of Senator Meachum, the committee report, which provided that the resolution be not printed, was adopted.

The Chair laid before the Senate, House Concurrent Resolution No. 1, Be it resolved, by the House of Representatives, the Senate concurring, a committee of three of the House be appointed by the Speaker to act on the part of the House with a like committee on the part of the Senate to arrange for counting the vote for Governor and Lieutenant Governor and for the inauguration of said officers.

The resolution was read and adopted by the following vote:

## Yeas—29.

Adams.	Hudspeth.
Astin.	Hume.
Bryan.	Johnson.
Carter.	Kauffman.
Cofer.	Lattimore.
Collins.	Mayfield.
Greer.	Meachum.

Murray.	Townsend.
Peeler.	Vaughan.
Perkins.	Ward.
Ratliff.	Warren.
Real.	Watson.
Sturgeon.	Weinert.
Terrell, McLennan	Willacy.
Terrell, Wise.	

## Present—Not Voting.

McNealus.

## Absent.

Paulus.

Senator Cofer moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

## SPECIAL COMMITTEE—APPOINTMENT OF.

The Chair (President Pro Tem. Hudspeth) immediately announced the following as the committee provided for in the above resolution: Senators Astin, Perkins and Weinert.

## RECESS.

At 1:45 o'clock a. m., January 13, Senator Meachum made the following motion in writing:

I move that the Senate do now recess until 10 o'clock a. m. today.

The motion was read and adopted

## AFTER RECESS.

The Senate was called to order at 10 o'clock a. m. Friday, January 13, which was pursuant to the time a recess was taken, Lieutenant Governor Davidson presiding.

## INVITATION TO VISIT WACO.

By Senator Terrell of McLennan, by unanimous consent:

Waco, Texas, January 12, 1911.

To the Senate and House of Representatives, State of Texas, Austin.

Dear Sirs: The Young Men's Business League of Waco will put on a big aviation meet here January 20, 21 and 22, when we will have bird-men of international reputations to make thrilling flights for the entertainment of the people. Special rates will be named on all railroads, and the Young Men's Business

League will be pleased indeed to have the presence of the Representatives and Senators during one or all of the days of the meet. We feel that this will afford a rare and instructive entertainment, and the entire city joins us in extending the solons a cordial invitation to visit the city at the head of Brazos navigation, where will be located the twenty-three-story sky-scraper, and probably later on a few larger buildings of the same type.

No doubt we can arrange for some of the daring aviators to take up some of the visitors and give them the sensation of a spiral dip in mid-air some four or five thousand feet above old Mother Earth, and those who would desire to make the ascension are requested to give their names in early "to avoid the rush."

We will have Simon, Garros, Barrier, Charles K. Hamilton and other internationally-famed aviators, who will be accompanied by fourteen machines of various types and pattern, and the trip will be worth while to any one.

Trusting to have the pleasure of having you with us during the meet, we are,

Very truly,

THE YOUNG MEN'S BUSINESS LEAGUE.

By M. B. DAVIS, JR.,  
Secretary.

The above invitation was, on motion of Senator Cofer, accepted.

#### ORDER OF BUSINESS.

The Chair (Lieutenant Governor Davidson) stated that the regular order of business would be resumed, the reading of Senate bill No. 2 being pending and was resumed.

(President Pro Tem. Hudspeth in the chair.)

Pending the reading of Senate bill No. 2, Senator Willacy asked unanimous consent to introduce two bills—the mileage and per diem bill and the contingent expense bill. There was no objection.

#### BILLS ON FIRST READING.

By Senator Willacy:

Senate bill No. 3, A bill to be entitled "An Act appropriating the sum of one hundred and twenty thousand dollars, or so much thereof as may

be necessary, out of the general revenue, not otherwise appropriated, to pay the mileage and per diem of officers and employes of the Thirty-second Legislature, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Willacy:

Senate bill No. 4, A bill to be entitled, "An Act appropriating the sum of twenty thousand dollars, or so much thereof as may be necessary out of the general revenue, not otherwise appropriated, to pay the contingent expenses of the Thirty-second Legislature, and declaring an emergency."

Read first time and referred to Committee on Finance.

(Senator Meachum in the chair.)

By Senators Kauffman and Hume:

Senate bill No. 5, "An Act to define and provide for organizing and disciplining the militia, to prescribe the duties of the Governor, the Adjutant General and all officers and enlisted men thereof; to define military offenses; to provide for the pay, transportation and subsistence of the militia when called into actual service, and to repeal all laws in conflict therewith.

Senator Hume called for the reading of the bill in full.

#### INVITATION.

By Senator Collins, by unanimous consent:

Austin, Texas, January 13, 1911.

The members of organized labor extend to the members, officers and employes of the Senate and their wives and families an invitation to attend a meeting to be held in the Hall of the House of Representatives on Monday night, January 16th. The purpose of this meeting is to express publicly the gratitude of organized labor to Governor Thomas M. Campbell and to present to him a token of their esteem.

C. J. ARMSTRONG,  
C. S. KELLUM,  
LAWRENCE SELLERS,  
Committee.

On motion of Senator Collins, the invitation was accepted.

## SPECIAL COMMITTEE REPORT.

By Senator Astin, as privilege matter:

Committee Room, Austin, Texas,  
January 13, 1911.

Hon. Sam Rayburn, Speaker of the House of Representatives; Hon. A. B. Davidson, President of the Senate.

Sirs: Your Joint Committee, appointed to make arrangements to count the vote and arrange for the inauguration of the Governor and Lieutenant Governor, beg leave to recommend that the House and Senate meet in joint session in the Hall of the House of Representatives on Friday, the 13th of January, A. D. 1911, at 11 o'clock a. m., for the purpose of counting said votes, and that the House and Senate shall sit in joint session in the Hall of the House of Representatives on Tuesday, the 17th day of January, 1911, at 12 o'clock noon, at which time the joint committee will escort the Governor and Lieutenant Governor-elect to the Speaker's stand, and the oath of office will be administered to them by Judge F. R. Williams, Justice of the Supreme Court.

ASTIN,  
PERKINS,  
WEINERT,

On the part of the Senate.

HILL,  
ROWELL,  
HARMON,

On the part of the House.

The report was read and adopted by the following vote:

Yeas—26.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Terrell, McLennan
Collins.	Terrell, Wise.
Greer.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Meachum.	Weinert.
Paulus.	Willacy.

Present—Not Voting.

McNealus. Sturgeon.  
5-8.

Absent.

Hudspeth. Murray.  
Mayfield.

## STANDING COMMITTEE REPORTS.

By unanimous consent, Senator Willacy presented committee reports on Senate bills Nos. 3 and 4. (See appendix for the reports.)

## SENATE BILL NO. 3.

Senator Willacy called up Senate bill No. 3 and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading.

The motion was adopted by the following vote:

Yeas—26.

Adams.	Peeler.
Astin.	Ratliff.
Bryan.	Real.
Carter.	Sturgeon.
Cofer.	Terrell, McLennan
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Meachum.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.

Nays—1.

Hume.

Present—Not Voting.

McNealus.

Absent.

Hudspeth. Murray.  
Mayfield.

On motion of Senator Willacy the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The motion was adopted by the following vote:

Ayes—28.

Adams. Bryan.  
Astin. Carter.



Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Meachum.	Ward.
Murray.	Warren.
Paulus.	Watson.
Peeler.	Weinert.
Perkins.	Willacy.

Nays—1.

Hume.

Present—Not Voting.

McNealus.

Absent.

Mayfield.

On motion of Senator Willacy the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate on second reading Senate bill No. 3, A bill to be entitled "An Act appropriating the sum of one hundred and twenty thousand dollars, or so much thereof as may be necessary, out of the general revenue, not otherwise appropriated, to pay the mileage and per diem of members and per diem of officers and employes of the Thirty-second Legislature, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Willacy the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29:

Adams.	Meachum.
Astin.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Perkins.
Collins.	Ratliff.
Greer.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	

aughan.	Watson.
Vard.	Weinert.
Varren.	Willacy.

Present—Not Voting.

McNealus.

Absent.

Mayfield.

The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Present—Not Voting.

McNealus.

Absent.

Mayfield.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to lay on table prevailed.

(Lieutenant Governor Davidson in the chair.)

## SENATE BILL NO. 2.

Senator Willacy called up Senate bill No. 4, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading.

The motion was adopted by the following vote:

Yeas—30.

Adams.	Collins.
Astin.	Greer.
Bryan.	Hudspeth.
Carter.	Hume.
Cofer.	Johnson.

Kauffman.	Sturgeon.
Lattimore.	Terrell, McLennan
Mayfield.	Terrell, Wise.
Meachum.	Townsend.
Murray.	Vaughan.
Paulus.	Ward.
Peeler.	Warren.
Perkins.	Watson.
Ratliff.	Weinert.
Real.	Willacy.

Present—Not Voting.

McNealus.

On motion of Senator Willacy the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The motion was adopted by the following vote:

Yeas—30.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Present—Not Voting.

McNealus.

On motion of Senator Willacy, the committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on Second reading,

Senate bill No. 4, A bill to be entitled "An Act appropriating the sum of \$20,000, or so much thereof as may be necessary, out of the general revenue not otherwise appropriated, to pay the contingent expenses of the Thirty-second Legislature, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was

suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Ccollins.	Terrell, McLennan
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Present—Not Voting.

McNealus.

Absent.

Hume.

Bill was read third time, and passed by the following vote:

Yeas—29.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Ccollins.	Terrell, McLennan
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Present—Not Voting.

McNealus.

Absent.

Hume.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas,  
January 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has adopted the report of the committee to arrange for the canvass of the vote for Governor and Lieutenant Governor.

Respectfully,

O. P. BASFORD,  
Acting Chief Clerk, House of Representatives.

#### JOINT SESSION.

The Chair, at 11 o'clock a. m., January 13, announced that the hour had arrived for the Senate and House to meet in joint session to count the vote and prepare for the inauguration of the Governor and Lieutenant Governor, and, accordingly, the Senate repaired in order to the Hall of the House of Representatives.

#### COUNTING THE VOTE FOR GOVERNOR AND LIEUTENANT GOVERNOR.

(In Joint Session.)

(Mr. Standifer in the Chair.)

The hour of 11 o'clock, a. m., fixed by concurrent action of the two Houses for the Senate and House to meet in Joint Session for the purpose of counting the votes cast for Governor and Lieutenant Governor in the general election held November 8, 1910, having arrived, the Honorable Senate of Texas, being announced at the bar of the House, was admitted; and, escorted by the Sergeant-at-Arms of the Senate, James Hornbuckle, the Secretary of the Senate, Clyde D. Smith, and the Journal Clerk of the Senate, R. M. Gilmore, the Senators advanced into the Hall, and, by direction of the Speaker of the House, occupied seats along the aisle already prepared for them.

The President of the Senate, Hon. A. B. Davidson, by invitation of the Speaker, occupied a seat on the Speaker's stand on the left of the Speaker.

The President of the Senate then directed the Secretary of the Senate to call the roll of the Senate.

The roll of the Senate was called, and the following Senators answered to their names:

Adams.	Cofer.
Astin.	Collins.
Bryan.	Greer.
Carter.	Hudspeth.

Hume.	Real.
Johnson.	Sturgeon.
Kauffman.	Terrell, McLennan
Lattimore.	Terrell, Wise.
Mayfield.	Townsend.
Meachum.	Vaughan.
Murray.	Ward.
Paulus.	Warren.
Peeler.	Watson.
Perkins.	Weinert.
Ratliff.	Willacy.

Absent.

McNealus.

Senators present, 30.

Necessary to a quorum of the Senate, 21.

The President of the Senate announced a quorum of the Senate present.

The Chair (Mr. Standifer) then directed the Clerk to call the roll of the House.

The roll was called, and the following members answered to their names:

Aston.	Gleptner.
Bagby.	German.
Baker of Hood.	Gilmore.
Barrett.	Goodner.
Bierschwale.	Gross.
Bolin.	Hall.
Bonner.	Hamilton
Brooks.	of Childress.
Brown.	Hamilton
Brownlee.	of McCulloch.
Buchanan.	Haney
Buffington.	Harmon.
Burns.	Haxthausen.
Byrne.	Heilig.
Camp.	Henry.
Campbell.	Herder.
Cathey.	Highsmith.
Caves.	Hill.
Chapin.	Hillver.
Coffey.	Hornby.
Corder.	Hubbard.
Cox of Eastland.	Humphrey.
Cox of Rockwall.	Hunt.
Craven.	Johnston.
Crisp.	Keeble.
Davis.	Kennedy.
Dillard.	Kraitcher.
Donegan.	Landry.
Dotson.	Lane.
Dunn.	Lawson.
Elliott.	Leach.
Fant.	Lee.
Flournoy.	Logan.
Fountain.	Maddox.
Gaither.	Mangum.
	Martin.

McDaniel.	Singleton.
McDowra.	Smith
McGown.	of Houston.
McKinney.	Spradley.
McNeal.	Stamps.
Mikeska.	Standifer.
Minton.	Stead.
Morris.	Stepter.
Mulcahy.	Stevens.
Nickels of Hill.	Stevenson.
Nichols of Hunt.	Stone.
Oliver.	Tarver.
Parker.	Teel.
Pharr.	Terrell
Porter.	of Bexar.
Randolph.	Terrell
Robertson	of Cherokee.
of Bell.	Turney.
Robertson	Wahrmund.
of Travis.	Walker.
Rogers.	Watson.
Ross.	White.
Rowell.	Williams
Rucks.	of Dallas.
Russell.	Williams
Savage.	of McLennan.
Schlick.	Wood.
Schluter.	Woods.
Self.	Wortham.
Shannon.	

## Absent.

Cable.	Cureton.
Cranke.	Yarbrough.

## Absent—Excused.

Baker of Panola.	Maxwell.
Brookshire.	Smith
Broughton.	of Atascosa.
Graham.	

Total number of Representatives present, 122.

Necessary to a quorum of the House, 89.

The Chair announced a quorum of the House present.

The Chair then announced that the two Houses were in Joint Session for the purpose of counting the votes cast for Governor and Lieutenant Governor at the last general election held November 8, 1910.

The Chair announced the appointment of the following tellers on part of the House:

Messrs. Hill, Rowell and Harmon.

The President of the Senate announced the appointment of the following tellers on the part of the Senate:

Senators Astin, Perkins and Weinert.

The President directed the Secretary of the Senate to call the names of the joint committee on part of the Senate to arrange for counting the votes for Governor and Lieutenant Governor.

The names were called as follows:

Senators Astin, Perkins and Weinert.

The Chair directed the Clerk to call the names of the joint committee on part of the House to arrange for counting the votes for Governor and Lieutenant Governor.

The names were called as follows:

Messrs. Hill, Rowell and Harmon.

The joint committee was announced present, and at once came forward and occupied seats at a table prepared for them.

The Chair (Mr. Standifer) then requested the tellers to come forward, and he delivered to them the returns of the general election held in this State Tuesday, November 8, 1910, for Governor and Lieutenant Governor, and which returns were by the Secretary of State duly delivered to the Speaker of the House of Representatives of the Thirty-second Legislature.

The joint tellers then proceeded to the work of counting the votes cast for Governor and Lieutenant Governor at the last general election.

Pending the count, Senator Huds-peth, President Pro Tem. of the Senate, was called to the Chair.

## RECESS.

Mr. Robertson of Bell, on part of the House, moved that the Joint Session take recess to 2 o'clock p. m., today.

The Chair announced that the motion prevailed on part of the House.

Senator Willacy, on part of the Senate, moved that the Joint Session take recess to 2 o'clock, p. m., today.

The President Pro Tem. of the Senate announced that the motion prevailed on part of the Senate.

The tellers then placed in charge of the Chair (Mr. Standifer) for safe keeping the returns placed in his charge by the Secretary of State until the count shall be resumed.

The Joint Session was then at 12 o'clock m. pronounced at recess to 2 o'clock, p. m., today.

#### AFTERNOON SESSION.

(In Joint Session.)

The Joint Session reconvened at 2 o'clock, p. m.

Mr. Standifer, in the Chair, called the Joint Session to order, and Senator Hudspeth, President Pro Tem. of the Senate, resuming his seat to the left of the Speaker, called the Joint Session to order on the part of the Senate.

The Chair announced that the two Houses were again in session for the purpose of completing the count of the vote for Governor and Lieutenant Governor.

The Chair then requested the tellers to come forward and receive the election returns of the several counties which had been left in his custody when the Joint Session recessed.

The tellers came forward and received the same.

The count of the vote was then resumed, the same tellers acting as before.

Pending the count, Senator Paulus was called to the Chair on part of the Senate.

#### RECESS.

Senator Welnert moved, on part of the Senate, that the Joint Session take a recess until 9 o'clock a. m. tomorrow.

The President of the Senate announced that the motion prevailed on part of the Senate.

Mr. Robertson of Bell, on part of the House, moved that the Joint Session take recess until 10 o'clock a. m. tomorrow.

The Chair (Mr. Standifer) announced that the motion prevailed on the part of the House.

The tellers then placed in charge of the Chair (Mr. Standifer) for safekeeping the returns placed in his charge by the Secretary of State until the count shall be resumed.

The Joint Session was then, at 5:15 o'clock p. m., pronounced at recess until 10 o'clock a. m., January 14.

#### AFTER RECESS.

(January 14.)

(In Joint Session)

The Joint Session reconvened at 10 o'clock a. m.

Speaker Rayburn called the Joint Session to order on part of the House, and Lieutenant Governor Davidson, resuming his seat on the left of the Speaker, called the Joint Session to order on the part of the Senate.

(Mr. Standifer in the chair.)

The Chair announced that the two Houses were again in session for the purpose of completing the count of the vote for Governor and Lieutenant Governor.

The Chair then delivered to the tellers the returns of the several counties, which had been left in his custody when the Joint Session recessed.

The count of the vote was then resumed, the same tellers acting as before.

#### RECESS.

Mr. Hill moved on the part of the House that the Joint Session take recess to 2 o'clock p. m., today.

The Chair announced that the motion prevailed on part of the House.

Senator Astin moved on part of the Senate that the Joint Session take recess to 2 o'clock p. m., today.

The President Pro Tem of the Senate announced that the motion prevailed on part of the Senate.

The tellers then placed in charge of the Chair (Mr. Standifer) for safekeeping the returns placed in his charge by the Secretary of State until the count shall be resumed.

The Joint Session was then, at 12 o'clock m. pronounced at recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

(In Joint Session)

The Joint Session reconvened at 2 o'clock p. m.

Mr. Standifer in the Chair, called the Joint Session to order on part of the House, and Senator Hudspeth, President Pro Tem of the Senate, resuming his seat to the left of the Speaker, called the Joint Session to order on the part of the Senate.

The Chair announced that the two Houses were in Joint Session for the purpose of completing the count of the vote for Governor and Lieutenant Governor.

The Chair then delivered to the tellers the returns of the several counties which had been left in his custody when the Joint Session recessed.

The count of the vote was then resumed, the same tellers acting as before.

When the count was completed, the Chair announced to the Joint Session that the tellers had completed the count of the votes, and that the Joint Session was now ready to receive the result and hear the report of the joint tellers.

The report of the joint committee and tellers is as follows:

Senator Astin, Chairman on part of the Senate, submitted the following report of the Joint Committee and tellers, which was read to the House:

Austin, Texas,  
January 14, 1911.

Hon. A. B. Davidson, President of the Senate, and Hon. Sam T. Rayburn, Speaker of the House.

Sirs: We, your joint committee and tellers, appointed to canvas the vote cast for Governor and Lieutenant Governor of this State, at the last general election, held in the State, beg leave to report that the following is the result of our canvas.

There were cast for Governor, for O. B. Colquitt 174,596; for J. O. Ter-

rell, 26,191; for A. J. Houston, 6,052; for Redin Andrews, 11,538; for Carl Schmidt, 436; total vote cast for the office of Governor, 218,813.

There were cast for Lieutenant Governor, for A. B. Davidson, 176,512; for Harris Masterson, 25,866; for Arthur A. Evert, 4,771; for P. G. Zimmerman, 10,864; for Robert Strack, 308.

There were no returns sent to the Secretary of State from the counties of Montgomery and Gaines in the election for Lieutenant Governor, but we have the unofficial returns from said counties for the office of Lieutenant Governor, and are as follows, and which are not included in the total vote herewith given for the office of Lieutenant Governor:

Total vote cast for Lieutenant Governor, 218,321; the unofficial vote for Lieutenant Governor in Montgomery county was, A. B. Davidson, 481; Harris Masterson, 33; Arthur A. Everts, 7; and P. G. Zimmerman, 9.

The unofficial vote in Gaines county for Lieutenant Governor, for A. B. Davidson, 67; Harris Masterson, 2; Arthur A. Everts, —; P. G. Zimmerman, 4; Strack, 1.

HILL,  
ROWELL,  
HARMON,

On the part of the House.

ASTIN,  
PERKINS,  
WEINERT,

On the part of the Senate.

**RETURNS OF AN ELECTION HELD NOVEMBER 8, 1910.**  
**For Governor and Lieutenant-Governor.**

Counties.	For Governor.					For Lieutenant Governor.				
	O. B. Colquitt.	J. O. Terrell.	A. J. Houston.	Red'n Andrews.	Carl Schmidt.	A. B. Davidson.	Harris Masterson.	Arthur A. Evert.	P. G. Zimmerman.	Robert Strack.
Anderson	1,429	169	28	64	3	1,441	193	13	65	3
Andrews	98	3		3		98	3		3	
Angelina	1,182	92	29	96	2	1,219	88	13	97	2
Aransas	133	16	3	3		133	16	2	3	
Archer	329	24	16	31	2	335	20	11	30	2
Armstrong	186	9	13	5		191	8	10	5	
Atascosa	576	79	18	23	2	611	52	9	25	2
Austin	1,186	169	2	9	1	1,186	182	2	9	1
*Bailey										
Bandera	409	231	22	23	4	405	227	17	24	5
Bastrop	836	204	25	32		832	205	18	31	
Baylor	557	13	9	48		567	12	5	50	
Bee	342	52	35	23		347	48	23	23	
Bell	1,603	78	50	49		1,651	71	48	46	
Bexar	5,478	1,198	113	68	14	5,633	915	78	67	20
Blanco	522	130	13	11	2	524	139	12	12	1
Borden	114	2	7	6		118	2	5	6	
Bosque	969	73	17	35		974	70	15	35	
Bowie	1,322	140	49	287	3	1,346	132	29	310	3
Brazoria	411	175	101	25		410	175	93	25	
Brazos	744	79	23			753	87	10		
Brewster	151	11	7	12		157	10	3	12	
Briscoe	164	2	2	7		165	2	2	7	
Brown	1,159	114	37	85	2	1,190	104	27	87	2
Burleson	711	101	6	6		710	110	4	7	
Burnet	696	78	58	24	1	650	71	54	24	1
Callwell	840	134	13	12		855	135	10	13	
Callahan	686	24	15	92	3	700	23	11	94	3
Calhoun	199	19	13	7		198	17	10	7	
Cameron	1,765	1,146	22	5		1,780	1,147	18	4	
Camp	458	224	6	9		465	225	4	9	
Carson	187	39	6	7		203	31	4	6	
Cass	1,961	477	34	112	2	1,981	459	28	114	2
Castro	111	19	16	5		113	19	13	6	
Chambers	184	63	3	6	2	187	62	3	7	2
Cherokee	1,231	51	20	96		1,243	51	16	95	
Childress	416	38	7	24	1	422	37	4	24	1
Clay	975	141	50	71		991	150	38	69	
Cochran*										
Coke	567	19	8	17	1	583	20	6	16	1
Coleman	852	71	119	106	2	856	69	14	102	2
Collin	2,173	292	58	126	2	2,200	285	46	123	2
Collingsworth	286	8	22	38		299	7	7	37	
Colorado	765	190	30	30	1	850	165	35	31	1
Comal	924	64		1	1	920	63	1	1	1
Comanche	1,456	145	59	365	3	1,517	146	367	38	4
Concho	298	16	2	32	1	298	17	1	32	1
Cooke	1,306	163	21	96	5	1,395	163	20	96	4
Corvell	1,212	69	13	48		1,230	57	5	50	
Cottle	144	3	2	4	1	146	3	1	4	1
Crane*										
Crockett	31	1		5		30	1	5		
Crosby	138	7	5	11		128	7		11	
Dallas	196	25	18	24	1	203	26	15	24	1
Dallas	4,800	347	307	86	4	4,890	336	321	89	5
Dawson	95	8	9	13	1	104	7	3	13	1
Deaf Smith	245	17	13	2		257	13	6	2	
Delta	674	35	16	93	5	694	34	12	93	4
Denton	1,572	137	52	77		1,576	138	23	78	
DeWitt	1,164	160	17	10	1	1,169	148	14	10	1
Dickens	198	14	10	36	1	206	12	8	38	1
Dimmitt	230	217	13	6	2	244	200	12	6	3
Donley	226	11	20	10		241	12	17	10	
Duval	624	18		2		625	19	2		
Eastland	1,369	107	94	271		1,414	107	72	276	
Ector	85	4	6	1		90	3	5	1	
Edwards	180	141	21	70		189	135	15	70	
Ellis	2,372	122	89	88		2,413	127	58	31	2

**RETURNS OF AN ELECTION HELD NOVEMBER 8, 1910—continued.**  
**For Governor and Lieutenant-Governor.**

Counties.	For Governor.					For Lieutenant Governor.				
	O. B. Colquitt.	J. O. Terrell.	A. J. Houston.	Redin Andrews.	Carl Schmidt.	A. B. Davidson.	Harris Masterson.	Arthur A. Evert.	P. G. Zimmerman.	Robert Strack.
El Paso	2,078	328	52	20	1	2,123	313	24	19	1
Frath	1,529	190	67	233	3	1,592	184	45	225	2
Falls	1,351	342	22	97	11	1,383	340	20	102	6
Fannin	1,729	232	50	60		1,776	181	33	65	
Fayette	2,044	497	15	31	2	2,036	506	12	33	2
Fisher	608	31	37	143	1	621	28	28	103	3
Floyd	232	12	24	32		240	12	17	32	
Foard	401	46	3	92		462	96	3	82	
Fort Bend	463	157	21	15		472	154	18	15	
Franklin	495	16	10	13		500	16	7	13	
Freestone	982	272	4	14	3	989	271	2	17	3
Frio	331	54	5	2		336	48	3	2	
Gaines	66	2		4	1					
Galveston	1,468	273		102	7	1,526	263	63	40	6
Garza	88	2	3	3		86	3	3	3	
Gillespie	791	688	6	6	6	547	898	5	6	4
Glasscock	66	3				66	3			
Goliad	517	462	54	56	2	508	476	8	57	2
Gonzales	1,030	199	19		38	983	194	7	19	
Gray	317	55		51	34	325	55	42	34	2
Grayson	2,750	469	70	124	6	2,766	461	55	125	6
Gregg	393	57	17	6	1	396	57	14	4	
Grimes	727	15	10	13	1	732	11	9	14	
Guadalupe	1,772	1,009	33	8		1,702	1,110	15	8	
Hale	378	15	19	25		373	15	17	25	
Hall	343	14	9	37		353	15	7	37	
Hamilton	853	65	7	8	1	861	62	5	9	
Hansford	114	14	13	7		119	13	10	7	
Hardeman	483	70	19	40	1	522	62	16	40	1
Hardin	746	112	55	136	4	774	111	29	132	3
Harris	6,562	449	282	146	16	6,674	414	157	144	15
Harrison	781	66	38	5		792	66	28	5	
Hartley	95	3	3			95	3	3		
Haskell	1,008	64	21	225		1,017	52	14	223	
Hays	565	31	12	3		571	25	6	3	
Hemphill	261	92	25	9	2	264	88	21	9	2
Henderson	982	120	22	173		1,010	138	13		
Hidalgo	892	64	8	18		897	54	7	18	
Hill	1,879	92	54	22	2	1,959	84	44	21	1
Hockley*										
Hood	617	87	21	37	1	620	85	16	37	
Hopkins	1,865	131	70	134	31	1,870	124	59	152	2
Houston	974	96	25	50		1,006	93	8	52	
Howard	454	14	22	75	1	459	13	12	71	1
Hunt	2,440	220	50	230	1	2,458	216	42	231	1
Hutchinson	118	30	6	5		120	30	4	8	
Irion	108		2	1		107		1	2	
Jack	554	154	29	106		571	153	22	104	
Jackson	166	52	23	9	1	172	52	19	9	10
Jasper	604	93	5	119	4	612	81	3	123	4
Jeff Davis	92	90	4	1		95	81	1	4	
Jefferson	1,040	141	63	78	2	1,097	137	43	77	1
Johnson	1,483	113	29	122	2	1,506	108	18	122	1
Jones	1,040	83	27	146	1	1,057	85	16	144	1
Karnes	460	64	25	1		460	59	18	1	
Kaufman	1,594	149	24	74	1	1,601	146	16	850	1
Kendall	414	178	4	13	1	310	265	4	14	
Kent	129	1	5	14		132	1	4	13	
Kerr	543	214	34	29	2	542	228	27	29	2
Kimble	159	13	12	20		163	11	12	20	
King	42					46				
Kinney	130	250		13		129	252	13		
Knox	222	32	11	73		529	31	8	71	
Lamar	1,755	120	26	39		1,764	116	23	28	12
Lamb	6	16	25		1	27	18	20		1
Lampasas	471	87	66	28	2	498	88	50	27	2
LaSalle	231	37	2	1		233	36	2	1	
Lavaca	1,690	197	50	192	3	1,693	190	29	190	2
Lee	720	123	17	24		725	111	9	24	
Leon	531	163	13	62		531	163	4	70	



**RETURNS OF AN ELECTION HELD NOVEMBER 8, 1910—continued.**  
**For Governor and Lieutenant-Governor.**

Counties.	For Governor.					For Lieutenant Governor.				
	O. B. Colquitt.	J. O. Terrell.	A. J. Houston.	Redin Andrews.	Carl Schmidt.	A. B. Davidson.	Harris Masterson.	Arthur A. Evert.	P. G. Zimmerman.	Robert Strack.
Liberty	829	234	7	16	1	840	232	4	15	1
Limestone	1,163	56	36	108	2	1,191	53	22	108	2
Lipscomb	211	91	18	40		220	88	14	40	
Live Oak	266	82	17	6		277	71	14	6	
Llano	391	24	9	11		400	20	9	11	
Loving*										
Lubbock	213	12	30	8		238	11	17	9	
Lynn	109	4	4	9		112	4	3	9	
Madison	362	80	12	10		363	80	8	11	
Marion	109	18	29	3		209	16	19	3	
Martin	86	2	4	8		88	2	9	2	
Mason	462	230	28	57	4	467	237	27	56	4
Matagorda	591	58	74	28	2	407	68	57	32	3
Maverick	214	227	3	6		219	236	2	6	
McCulloch	488	32	18	106	12	493	36	16	105	11
McLennan	2,087	135	109	44	1	2,085	127	84	43	2
McMullen	49	1				16	1			
Medina	899	317	33	12	2	865	356	20	12	2
Menard	81	8	1	13		81	8	1	13	
Midland	168	20	3			173	20	1	3	
Milam	1,898	102	29	289		1,938	90	14	289	1
Mills	687	133	19	66	1	727	125	8	65	1
Mitchell	506	42	11	74		514	38	9	73	
Montague	1,258	164	52	240	3	1,277	159	39	241	2
Montgomery	471	33	15	9						
Moore	44	3	2			45		2		
Morris	568	42	8			581	37	5		
Motley	89	3	3	12		91	3	1	12	
Nacogdoches	1,004	87	26	79		1,039	85	11	85	
Navarro	1,830	63	40	40	52	1,852	64	34	51	1
Newton	366	53	4	17		347	51	4	19	
Nolan	508	47	25	39	1	587	45	15	38	1
Nueces	805	120	32	95	1	818	115	21	93	
Ochiltree	114	3	5	2		117	3	3	2	
Oldham	95	37	16			97	37	12		
Orange	384	11	7	10	1	380	11	7	8	1
Palo Pinto	982	57	73	210	1	1,013	51	58	213	1
Panola	859	61	12	78		863	61	3	78	
Parker	1,561	107	92	346		1,597	100	62	344	
Parmer	140	32	8	1		139	31	8	1	
Pecos	86	51	14	1	2	86	50	9	1	
Polk	424	14	3	5	1	424	14	4	5	1
Potter	718	63	49	52	1	771	49	28	52	3
Presidio	284	33	5	2	1	285	32	3	3	1
Rains	353	36	4	140	3	353	35	1	144	3
Randall	195	12	13	1		196	12	12		
Reagan	32	1				32	1			
Red River	1,124	96	19	34	1	1,180	98	16	34	1
Reeves	181	11	16	5	1	184	11	13	5	1
Refugio	159	63	10	33		164	62	8	33	
Roberts	112	23	8	1		117	22	7	1	
Robertson	911	54	16	32	1	922	54	15	29	1
Rockwall	409	8	10	12		411	8	7	12	
Runnels	776	47	27	64		792	46	22	64	
Rusk	1,227	499	9	36		1,244	497	5	36	
Sabine	374	5	6	16		377	5	4	13	
San Augustine	406	24	8	33		410	25	7	33	
San Jacinto	367	154	3		14	377	157		1	
San Patricio	426	133	88	38	3	438	125	63	39	4
San Saba	427	32	7	88	2	436	28	6	88	2
Schleicher	92	12				92	12			
Scurry	697	39	52	131		725	36	39	131	
Shackelford	215	9	3	38		216	10	3	38	
Shelby	1,262	46	6	117	6	1,268	45	5	117	6
Sherman	86	15	12	1		90	14	10	1	
Smith	1,444	530	54	200		1,467	530	54	199	2
Somervell	220	9	5	19	1	219	10	3	19	1
Starr	823	121	11	2		826	110	8	2	1
Stephens	541	9	5	77		546	8	8	77	

**RETURNS OF AN ELECTION HELD NOVEMBER 8, 1910—continued.**  
**For Governor and Lieutenant-Governor.**

Counties.	For Governor.					For Lieutenant Governor.				
	O. B. Colquitt.	J. O. Terrell.	A. J. Houston.	Redin Andrews.	Carl Schmidt.	A. B. Davidson.	Harris Masterson.	Arthur A. Evert.	P. G. Zimmerman.	Robert Strack.
Sterling	113	2	1			114	1	1		
Stonewall	394	18	3	147		399	17	1	146	
Sutton	78	3				76	3			
Swisher	309	46	28			328	44	19		
Tarrant	3,182	233	160	194	2	3,142	213	148	187	2
Taylor	1,028	74	27	75		1,046	74	9	44	
Terrell	122	31	6	1		118	31	6	1	
Terry	88	8	1	1		88	2	1	1	
Throckmorton	260	14	5	27		264	14	3	27	
Titus	750	39	22	8		764	35	15	8	1
Tom Green	579	23	12	49	1	584	21	10	49	1
Travis	2,088	292	73	66	2	2,113	282	51		2
Trinity	502	44	3	17	5	507	41	1	9	4
Tyler	452	13	6	38	1	455	15	48	37	2
Upshur	846	84	66	23		857	80	52	20	
Upton	30					30				
Uvalde	995	138	25	46	1	1,023	124	17	45	1
Val Verde	359	208	22	25	4	371	199	16	26	7
Van Zandt	1,386	55	47	436	5	1,434	51	28	440	3
Victoria	488	37	8	4	1	491	33	7	5	
Walker	583	170	12	11	1	582	170	9	12	13
Waller	485	62	17	3		492	63	8		
Ward	123	11	11	1		128	11	5	1	
Washington	1,101	242	12	8	2	1,118	240	4	4	3
Webb	484	542	3	1		479	547	2	1	
Wharton	387	74	75	41		400	38	66	65	
Wheeler	353	69	11	10	4	354	66	7	12	1
Wichita	963	176	40	25		978	181	26	25	
Wilbarger	572	17	9	49	2	579	17	5	49	2
Williamson	1,569	91	61	43	1	1,613	89	44	46	1
Wilson	756	87	39		1	781	81	29		15
Winkler	26		2			28				
Wise	1,577	156	35	74	7	1,589	143	33	88	2
Wood	1,097	52	23	86	1	1,101	47	22	86	1
Yoakum	48					48				
Young	687	45	20	34	1	776	44	17	42	1
Zapata		462					462			
Zavala	125	38	10	23	1	138	35	7	23	1
Totals	174,596	26,191	6,052	11,538	436	176,512	25,866	4,771	10,864	308

\* Unorganized.

Whereupon, Hon. I. M. Standifer, acting in his constitutional capacity as acting Speaker of the House of Representatives of the Thirty-second Legislature of Texas, announced as follows:

"Hon. Oscar B. Colquitt having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of two years."

"A. B. Davidson having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant Governor of the State of Texas for the ensuing term of two years."

The Chair then announced that the business of the joint session was concluded and delivered the election returns used in counting the vote into the hands of Acting Chief Clerk O. P. Basford, taking his receipt therefor, and directing him to deliver same in person to the Secretary of State and at the same time directed the Acting Chief Clerk to take the receipt of the Secretary of State for the documents.

#### IN THE SENATE.

#### RECESS.

On returning to the Senate at 12 o'clock, noon, Friday, January 13, on motion of Senator Watson, the Senate recessed until 2 o'clock.

#### IN THE SENATE.

At the conclusion of the Joint Session, the Senate returned to the Senate Chamber, and was called to order by President Pro Tem. Hudspeth. (Senator Watson in the chair.)

#### SIMPLE RESOLUTION.

By Senator Lattimore:

Resolved, That the privileges of the floor of the Senate Chamber be accorded to former Senators D. M. Alexander, W. R. Holsey, W. M. Imboden, A. S. Hawkins, T. W. Master-son and L. A. Whatley.

The resolution was read and adopted.

#### PENDING BUSINESS.

The Chair, Senator Watson, announced that the reading of Senate bill No. 5 was the order of business and directed the further reading of same.

#### REFUSE TO ADJOURN.

Pending the reading of the above bill, Senator Hudspeth moved that the Senate adjourn until 11 o'clock, Saturday night, January 14. The motion to adjourn was lost by the following vote:

#### Yeas—12.

Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

#### Nays—16.

Bryan.	McNealus.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

#### Absent.

Adams.

#### PAIRED.

Senator Terrell of McLennan, (present), who would vote "yea," with Senator Terrell of Wise (absent), who would vote "nay."

The reading of Senate bill No. 5 was resumed.

#### REFUSED TO ADJOURN.

Pending further reading of the bill, Senator Weinert moved that the Senate adjourn until 11:30 o'clock p. m., Saturday, January 14.

The motion was lost by the following vote:

#### Yeas—13.

Adams.	Astin.
--------	--------

Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

**Nays—16.**

Bryan.	McNealus.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Sturgeon.
Creer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.

**PAIRED.**

Senator Terrell of McLennan, (present), who would vote "yea," with Senator Terrell of Wise (absent), who would vote "nay."

The reading of Senate bill No. 5 was resumed.

(Lieutenant Governor Davidson in the chair.)

**HOUSE MESSAGE.**

Hall of the House of Representatives,  
Austin, Tex., Jan. 14, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 5, providing for a change in the manner of printing bills.

Respectfully,

O. P. BASFORD,  
Acting Chief Clerk,  
House of Representatives.

**HOUSE CONCURRENT RESOLUTION NO. 5—REFERRED.**

The Chair, Lieutenant Governor Davidson had referred after it had been read, the following resolution:

House Concurrent Resolution No. 5 referred to Committee on Public Printing.

The reading of Senate bill No. 5 was resumed.

Pending the further reading of Senate bill No. 5, Senator Cofer moved that the bill be laid on the table subject to call.

The Chair, Lieutenant Governor Davidson, ruled as follows:

Holding of the Chair on motion of Cofer: Proceeding under the morning call of Wednesday, January the 11th, the Senate had not finished with the call; a bill was offered by the Senator from Harris in its regular order, under the rules of the Senate, and before the Senate had proceeded to finish with the reading of the bill the Senator from Cooke moved to lay the bill as it was being read the first time upon the table subject to call. The Chair held that it was the constitutional right to introduce a bill in regular order under and before the Senate had finished with the morning call, and that under the constitution it was the right of the Senate, and the demand of the constitution to have the bill read. That during the reading of the bill the Senator from Cooke moved to lay the bill in process of reading upon the table subject to call, and cited the Chair to Rule No. 21 of the rules of this body, which is as follows: "When a question is under consideration by the Senate no motion shall be made except to fix the day to which the Senate shall adjourn; to adjourn, to proceed to the transaction of executive business, the previous question, to postpone to a time certain, to amend, to commit with instructions, to commit without instructions, to lie on the table, to postpone indefinitely. Which several motions have precedence in the order in which they are arranged. \* \* \*"

Inasmuch as the constitution requires that a bill shall not be considered until it has been referred to a committee and reported from a committee, the Chair held that the first reading of the bill was under consideration and a constitutional right, and cited the Senator from Cooke to the following rule, to wit: Senate Rule No. 28, which is as follows: "A bill when introduced, shall be read and referred to a committee. The first reading of a bill, if a Senate bill, shall be the reading thereof when first introduced; if a House bill, the reading thereof when transmitted to the Senate. \* \* \* And all House bills, when received in the Senate, shall be read and referred to a committee. No action shall be taken upon a bill accepting, rejecting, or amending the same until it has been reported upon by a committee. \* \* \*"

The Chair also cited the Senator from Cooke to the following clause of the constitution, under Article 3, Section 32: "No bill shall have the force of law until it has been read on three several days in each House, and free discussion allowed thereon; but in cases of imperative public necessity (which necessity shall be stated in the preamble, or in the body of the bill), four-fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals."

The Chair also cited the Senator from Cooke to the following rule of this body, being Rule No. 63, as follows: "No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor." Also to Rule 64: "No motion to suspend the rules for the purpose of considering a bill or resolution out of its order shall be entertained during the morning call."

The journals of this session show that these rules have been adopted for the control and conduct of the affairs of this body and the officers thereof.

The Chair having been presented with the following note: "Senate in Session: Senate Chamber, Senate in Session, Hon. A. B. Davidson, Lieutenant Governor: Believing that the present occupant of the Chair, Senator Q. U. Watson, is usurping the power thereof and denying the constitutional and legal rights of the majority of this Senate to recognition upon the floor of the Senate, we, a majority of the Senators, respectfully ask that you take the chair."

(Signed) Bryan, Cofer, Sturgeon, Perkins, Mayfield, McNealus, Ward, Lattimore, Carter, Vaughan, Warren, Townsend, Collins, Ratliff, Johnson, Greer."

And having ascertained the facts to be that the President Pro Tempore of this body the Senator from El Paso, Claude B. Hudspeth, placed in the chair Senator Q. U. Watson from Lee county, and that the Senator from Lee was proceeding under the Constitution and rules of this body, and having directed the reading of the bill herein above referred to, offered by the Senator from Harris in regular order under the morning call of Wednesday, January the 11th,

that the Senator from Lee was proceeding as directed by the rules of this body and the Constitution of this State, and if no other criticism than is offered by the facts before the Chair, the Chair will hold that he was in no manner usurping the power but was presiding in a constitutional way and under the rules of the Senate to finish the morning call, and will re-deliver the gavel to the Senator from Lee.

Senator Cofer appealed from the ruling of the Chair.

#### RECESS.

Pending discussion, Senator Sturgeon moved that the Senate recess until 5:15 o'clock p. m. today, Saturday, January 14.

The motion was adopted.

#### AFTER RECESS.

At the time the Senate recessed to, the Senate was called to order by President Pro Tem. Hudspeth, and the Senate was, on motion of Senator Sturgeon, at ease until 5:35 o'clock.

The Senate was then called to order by President Pro Tem. Hudspeth.

#### HOUSE MESSAGE.

Hall of the House of Representatives, Austin, Tex., Jan. 14, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 3, mileage and per diem.

Senate bill No. 4, contingent expenses.

(Lieutenant Governor Davidson in the Chair.)

#### PENDING BUSINESS.

Pending business was the appeal from the ruling of the Chair by Senator Cofer. Senator Meachum requested the former motion by Senator Cofer to be reduced to writing, and the following is the motion:

I reduce the motion already made to writing, on request, the same as if it had been in writing when made, viz:

I move the pending bill, Senate Bill No. 5, now under consideration

by the Senate, lie on the table subject to call.

#### COFER.

Senator Meachum made the following point of order on the above motion, which was sustained by the Chair, Lieutenant Governor Davidson.

I desire to raise a point of order upon the motion of the Senator from Cooke that the Senate is now proceeding under the morning call and is operating under the subject of Bills and Resolutions; that the Senator from Harris has been regularly recognized, and has sent up Senate bill No. 5 and called for the reading thereof upon this its first introduction; that the motion of the Senator from Cooke is in conflict with Section 32, Article 3 of the Constitution, which provides: "No bill shall have the force of law until it has been read on three several days in each House and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill), four-fifths of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals;" that the motion of the Senator from Cooke is also in conflict with Senate Rule No. 28, which provides: "A bill when introduced shall be read and referred to a committee. The first reading of a bill, if a Senate bill, shall be the reading thereof when first introduced; if a House bill, the reading thereof when transmitted to the Senate." The journal shows that this bill now being read has not been at this session heretofore introduced, and is being read when first introduced as provided by the rule.

I call the Chair's particular attention to the fact that the rule not only provides the time when the bill shall be read, which is when first introduced, but it defines what is meant by the first reading of a bill to be "the reading thereof when first introduced;" that the motion of the Senator from Cooke is out of order and in further violation of Senate rule No. 63 and Senate rule No. 64, Senate rule No. 63 being "No standing rule or order of the Senate shall be rescinded without one day's notice being given of the motion therefor," and Senate rule No. 64 being

"No motion to suspend the rules for the purpose of considering a bill or resolution out of its order shall be entertained during the morning call."

In accordance with Lieutenant Governor Davidson's holding before the last recess was taken, the Lieutenant Governor surrendered the gavel to Senator Watson, who presided. Action then recurred on the motion to appeal from the ruling of the Chair, Lieutenant Governor Davidson. See ruling above.

The motion to appeal from the ruling of the Chair is as follows:

I appeal from the decision of the President of the Senate because the Constitution does not require a bill to be read immediately on introduction, and the rules cited in the Chair's opinion are not mandatory but simply directory and subject to the construction of the Senate, so as not to delay and defeat the Senate's consideration of important business.

#### COFER.

Question—Shall the Chair be sustained?

The Senate refused to sustain the Chair by the following vote:

#### Yeas—14.

Adams.	Kauffman.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Terrell, McLennan
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy

#### Nays—17.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

The Senate having refused to sustain the Chair, the question recurred on the motion by Senator Cofer to lay Senate bill No. 5 on the table subject to call.

(Lieutenant Governor Davidson in the chair.)

## REFUSE TO ADJOURN.

Senator Meachum moved that the Senate adjourn until Saturday, January 14, at 10 o'clock, p. m.

The motion was lost by the following vote:

## Yeas—14.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Terrell, McLennan
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

## Nays—17.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

## PENDING BUSINESS.

Action recurred on the pending motion by Senator Cofer, and Senator Mayfield moved the previous question on same, the same being seconded was so ordered.

The Chair declared that the motion was lost, the following being the vote, which was only a majority vote.

## Yeas—17.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

## • Nays—14.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Terrell, McLennan
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

## REASONS FOR VOTING.

We desire to state our reasons for voting against sustaining the Chair in its ruling that the motion of the Senator from Cooke to lay the bill introduced by the Senator from Harris on the table subject to call is out of order.

In our opinion, if the ruling of the Chair is correct, it is within the power of any Senator by introducing a bill of sufficient length for the purpose of consuming time, to consume the entire time of the Senate, and the bill being read, in our opinion, was introduced and is being read for the purpose of killing time, and with no intention of seeking to pass the same. In our opinion, there is nothing in the Constitution requiring that a bill shall be read at the time it is introduced, nor is it in the power of any Senator by going into the archives and getting therefrom a musty old bill and introducing the same and demanding that the same be read to fritter away the time of the Senate. The Constitutional provision requiring that bills shall be read on three several days cited by the Chair will not in any manner be infringed by laying the bill introduced by the Senator from Harris on the table.

Ratliff, Johnson, Terrell of Wise, Perkins, Ward, Vaughan, Mayfield, Cofer, Carter, Warren, Sturgeon, Townsend, McNealus, Lattimore, Collins.

Senator Hudspeth called for a verification of the above vote, which was done and no errors found.

Senator Cofer made a point of order that only a majority vote was necessary to lay the bill on the table subject to call as it was only a change of the order of business under the head of the regular order of business and that a majority and not a two-thirds vote was all that was required.

The Chair, Lieut. Gov. Davidson, overruled the point of order as follows:

The Chair, having held as above indicated, in a former ruling, previously made in these journals, that the pending bill, which was Senate bill No. 5, and which was in process of reading in the morning call, could not be laid upon the table, subject to call, without violating the Constitution and the rules of the Senate, and sustained the point of order made by

the Senator from Grimes against the motion made by the Senator from Cooke, to lay this bill upon the table subject to call, and the Senator from Cooke, having appealed from the rulings of the Chair, the rulings of the Chair was overruled by a vote of 17 to 14, then the Senate came to a direct vote on the motion made by the Senator from Cooke, to lay Senate bill No. 5, which was in process of reading, upon the table, subject to call. And the vote recurring upon said motion to table the vote stood 17 for the motion to lay upon the table, and 14 against. The Chair held that the motion to table was lost under Rule No. 61, which is as follows:

Sub-division A. A vote of two-thirds of all the members present shall be required

First. To adopt an amendment on third reading of a bill or joint resolution.

Second. To postpone and change the order of business.

Third. To suspend any rule of the Senate, and

Fourth. To excuse absentees; from which rulings of the Chair, the Senator from Cooke again appealed, contending it required only a majority of the Senate by vote, to lay Senate bill No. 5 upon the table subject to call.

Whereupon, the Chair held that clearly, under the rule above quoted, it took two-thirds vote to suspend this bill, when the Senator from Cooke again appealed from the ruling of the Chair, and the rulings of Chair was again overruled by a vote of 17 to 14.

Again, under Rule 64, which is in the following language: "No motion to suspend the rule for the purpose of considering a bill or resolution out of its order, shall be entertained during the call. These are the solemn rules of this body and the Chair prints these rulings that he may be properly understood.

Senator Cofer appealed from the ruling of the Chair.

Senator Watson was called to the Chair and presided.

#### REFUSED TO ADJOURN.

Pending discussion on the above appeal Senator Astin moved that the Senate adjourn until 10 o'clock Monday morning.

The motion was lost by the following vote:

6-8.

#### Yeas—13.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Terrell, McLennan
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	

#### Nays—16.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Ward.
Lattimore.	Vaughan.
McNealus.	Warren.

#### PAIRED.

Senator Willacy (present), would vote "Aye," Senator Mayfield (absent), would vote "No."

#### PENDING QUESTION.

Action recurred on the pending appeal from the ruling of the Chair, Lieutenant Governor Davidson, on the point of order by Senator Cofer (see former proceedings for point of order.)

Pending discussion on the appeal from the ruling of the Chair, Senator Mayfield moved the previous question on same, which being duly seconded was ordered by the following vote:

#### Yeas—30.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

#### Absent.

Carter.

Action recurred on the appeal from the ruling of the Chair.



Question—Shall the Chair be sustained?

The Senate refused to sustain the Chair by the following vote:

Yeas—14.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Terrell, McLennan
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—17.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

The Senate having refused to sustain the Chair, Senate bill No. 5, was laid on the table subject to call.

#### REFUSE TO ADJOURN.

Senator Meachum moved that the Senate adjourn until 11:55 o'clock today, January 14.

The motion was lost by the following vote:

Yeas—14.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Terrell, McLennan
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—17.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

Senator Hume called up Senate bill No. 5, which was on the table subject

to call and called for the reading of the bill in full.

Pending discussion, Lieutenant Governor Davidson took the Chair.

Pending discussion, Senator Watson was called to the Chair.

#### RECESS.

On motion of Senator Sturgeon the Senate, at 11:20 p. m., recessed until 11:35 p. m., January 14.

#### AFTER RECESS.

The Senate was called to order by President Pro Tem. Hudspeth, and Senator Watson was called to the Chair.

#### RECESS.

Senator Meachum offered the following motion in writing:

Mr. President: We move, as it is now 11:45 p. m., Saturday, January 14, that the Senate do now stand adjourned until 11:55 p. m. this day to prevent holding a session upon the Sabbath day, as well as to prevent a constitutional adjournment sine die of this Legislature.

By Meachum, Terrell of McLennan, Peeler, Hudspeth, Watson, Adams, Astin, Hume, Kauffman, Murray, Paulus, Real, Weinert, Willacy.

Senator Cofer offered the following substitute for the above motion:

Whereas, the majority of the Senate have now been in almost continuous session for several days, and it is now night at 12 o'clock Saturday night, and out of respect for the Sabbath we do not desire to continue the session into the Sabbath day, unless it should be absolutely necessary to do so, and yet the majority is determined to press the fight for the cause of the people and of the right of the majority to rule;

Therefore, we move that the Senate stand at recess by continuing this legislative day until 12:01 a. m., Monday next, to which time the present session is recessed.

Cofer, Sturgeon, Bryan, Carter, Ward, Ratliff, Perkins, Townsend, Mayfield, Greer, Lattimore, Vaughan, Warren.

Senator Meachum made a point of order on the motion to recess, contending that one branch of the Legislature could not adjourn for more than three days without the consent of both Houses.

The Chair overruled the point of order.

Action recurred on the substitute motion, and the same was adopted by the following vote:

**Yeas—17.**

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	

**Nays—14.**

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Terrell, McLennan
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

The motion, as substituted, was then adopted by the following vote:

**Yeas—18.**

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.

**Nays—13.**

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Terrell, McLennan
Hume.	Watson.
Kauffman.	Weinert.
Meachum.	Willacy.
Murray.	

**AFTER RECESS.**

The Senate was called to order pursuant to the time a recess was taken, Lieutenant Governor Davidson presiding.

On motion of Senator Perkins the Senate was at ease for fifteen minutes. The Senate was again called to order, and on motion of Senator Perkins the Senate was again at ease for thirty minutes. The Senate was again called to order. On mo-

tion of Senator Lattimore the Senate recessed for thirty minutes. The Senate was called to order by Lieutenant Governor Davidson.

**PRIVILEGES OF FLOOR GRANTED.**

Senator Johnson moved that the Senate, by unanimous consent, grant the privileges of the floor to ex-Senator John W. Veale.

The motion was unanimously adopted.

**PENDING BUSINESS.**

Pending business being the reading of Senate Bill No. 5, which had been called up from the table.

Senator Terrell of McLennan made the following motion in writing:

On behalf of the Senator from Harris, who is absent, and upon his authority, I ask unanimous consent of the Senate that further reading of Senate Bill No. 5 be dispensed with.

TERRELL of McLennan.

The above motion was unanimously adopted.

The Chair, Lieutenant Governor Davidson, referred Senate Bill No. 5 to Committee on Military Affairs.

**BILLS AND RESOLUTIONS.**

The Chair then continued the calling for the morning call.

By Senators Bryan, Carter, Cofer, Collins, Greer, Johnson, Lattimore, McNealus, Ratliff, Sturgeon, Terrell of Wise, Townsend, Vaughan, Warren, Mayfield, Perkins and Ward:

Senate Bill No. 6. A bill to be entitled "An Act to amend Section 14 of Chapter 17 of the Acts of the Regular Session of the Thirty-first Legislature, the same being: An Act to amend Chapter 138 of the Acts of the Thirtieth Legislature, approved April 18, 1907, the same being 'An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same are sold; imposing an occupation tax upon persons, firms, corporations and association of persons selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure

licenses to sell such liquors; and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively, capable of producing intoxication, and defining retail malt dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act, providing same is not sold to be drunk on the premises where sold, and otherwise regulating the business of such wine growers; regulating the transfer of license of retail liquor dealers and retail malt dealers; prescribing the condition of the bonds of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued; defining intoxicating liquors, and providing penalties for the violation of the provisions of this Act and declaring an emergency, and adding Sections 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 10a and 35a, prescribing the method and procedure by which liquor licenses may be obtained, transferred and forfeited, and prescribing the manner for the ascertainment of the facts upon which forfeiture is based and prescribing the duties of the county judge, Comptroller of Public Accounts and the county attorney and other proper officers in regard thereto and repealing all laws or parts of laws in conflict herewith, requiring licenses to be issued under this Act and prescribing the continuation in force of licenses issued under prior laws for sixty days after this Act takes effect in order to give time for securing licenses under this Act and providing that credit be allowed upon licenses to be obtained under this Act in an amount equal to the unearned portion or part of any existing license, and declaring an emergency, by amending Section 14 so as to require every person or firm who are engaged in the sale of intoxicating liquors or who may hereafter become engaged in the sale of intoxicating liquors in any locality in this State other than where local option is enforced to keep such places of

business closed from and after six o'clock p. m. until seven o'clock a. m. of the next day, and to keep such places closed from six o'clock on Saturday until seven o'clock on the following Monday and forbidding the sale of any intoxicating liquors or the transaction of any business in any such places within said hours and prescribing penalties therefor, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

#### ADJOURNMENT.

Senator Lattimore offered the following motion in writing:

Monday, Jan. 16, 1911.

2 o'clock a. m.

This Senate having been in continuous session since January 11th without adjournment, said session having extended over calendar days to wit, January 11th, January 12th, January 13th, January 14th and January 15th, 1911, and to and into Monday morning, January 16th, 1911, therefore I now move that the Senate stand adjourned until 10 o'clock a. m. Monday, January 16, 1911.

Lattimore, Bryan, Cofer, Mayfield, Sturgeon, Townsend, Collins, Carter, Vaughan, Warren, Ratliff, Perkins, Terrell of Wise, Johnson, Ward, McNealus, Greer.

The above motion was adopted.

#### APPENDIX A.

(Floor Report.)

Senate Chamber,

Austin, Texas, Jan. 11, 1911.

Hon. A. B. Davidson, President of the Senate:

Sir: We, your Committee on Privileges and Elections, to whom was referred

House Concurrent Resolution No. 1, beg to report that

We have had the same under consideration and recommend that the same do pass, and be not printed.

Warren, Chairman; Adams, Carter, Hume, Kauffman, Peeler, Weinert, Real, Townsend.

## (Floor Report.)

Austin, Tex., Jan. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

Senate bill No. 3, A bill to be entitled "An Act appropriating the sum of one hundred and twenty thousand dollars (\$120,000), or so much thereof as may be necessary, out of the general revenue, not otherwise appropriated, to pay the mileage and per diem of members and per diem of officers and employes of the Thirty-second Legislature and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Paulus, Terrell of Wise, Warren, Real, Peeler, Johnson, Kauffman, Murray, Meachum.

## (Floor Report.)

Austin, Tex., Jan. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

Senate bill No. 4, A bill to be entitled "An Act appropriating the sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, out of the general revenue, not otherwise appropriated, to pay the contingent expenses of the Thirty-second Legislature and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Willacy, Chairman; Paulus, Terrell of Wise, Warren, Real, Peeler, Johnson, Kauffman, Murray, Meachum.

## (Floor Report.)

Austin, Tex., Jan. 12, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

House Concurrent Resolution No. 2, being a resolution for a joint session of the Senate and House, be held in the Hall of the House of Representatives tonight at 8 o'clock, for the purpose of hearing a petition presented by the Prohibition Executive Committee of Texas,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Terrell of McLennan, Chairman; Cofer, Terrell of Wise, Collins, Latimore, Townsend, Vaughan, Bryan

Committee Room,

Austin, Tex., Jan. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 4, A bill to be entitled "An Act appropriating the sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, out of the general revenue, not otherwise appropriated, to pay the contingent expenses of the Thirty-second Legislature, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Jan. 13, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared:

Senate bill No. 3, A bill to be entitled "An Act appropriating the sum of one hundred and twenty thousand dollars (\$120,000), or so much thereof as may be necessary, out of the general revenue, not otherwise appropriated, to pay the mileage and per diem of members and per diem of officers and employes of the Thirty-Second Legislature and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

## APPENDIX A.

## RULES OF THE SENATE.

Following are the rules of the Senate

## Quorum.

1. Two-thirds of all the Senators elected shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members. (Constitution, Art. III, Sec. 10.)

2. In case a less number shall convene, the members present may send the Sergeant-at-Arms, or any other person or persons for any or all absent members.

## Absentees.

3. No member shall absent himself from the sessions of the Senate, without leave unless he be sick or unable to attend.

4. A call of the Senate may be demanded by five members, and if there be any absent the names of the absentees shall be called again. If they do not answer, the Sergeant-at-Arms, or a special messenger, may be sent for them, and the question pending shall be without a motion, laid on the table until the absentees appear or the call be suspended.

## Offices of the Senate.

5. Lieutenant Governor of the State shall, by virtue of his office, be President of the Senate. He shall preside over the deliberations of the Senate; decide all questions of order, subject to appeal by any member; appoint all committees unless otherwise ordered by the Senate; have direction and control of all committee clerks and employes of the Senate and assign them to their duties. He shall have control of such parts of the Capitol as have been, or may be, set apart for the use of the Senate and its officers. He shall have the right to name a member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

6. The Senate shall, at the beginning and close of each session and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of Lieutenant Governor in any case of absence or disability of that officer, and whenever the said

office of Lieutenant Governor shall be vacant.

7. A Secretary, Assistant Secretary, Journal Clerk, Assistant Journal Clerk, Calendar Clerk, Engrossing Clerk, Enrolling Clerk, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, Assistant Doorkeeper, Chaplain and such other officers as a majority vote may determine to be necessary, shall be elected at the opening of the session of the Legislature, to continue in office until discharged by the Senate; who shall perform such duties as may be incumbent upon them in their respective offices, under the direction of the Senate.

## Open Doors.

8. The doors of the Senate shall be kept open, except when there is an executive session. (Constitution, Art. III, Sec. 16.)

## Order of Business.

9. The presiding officer shall take the chair at the hour to which the Senate last adjourned.

10. The names of the Senators shall be called alphabetically; should a quorum not be in attendance a majority of those present shall be authorized to send the Sergeant-at-Arms, or a special messenger, for the absentees; when there is a quorum present the Journal of the preceding day shall be read and corrected if necessary. (Constitution, Art. III, Sec. 10.)

11. The President shall then call:

(1) For petitions and memorials;  
(2) For reports from standing committees;

(3) On Wednesday and Thursday of each week only House bills on their third and second reading, respectively, shall be taken up and considered until disposed of, and in case one should be pending at adjournment on Thursday it shall go over until the succeeding day, Friday, until disposed of; and it shall require four-fifths of the Senators present to suspend this rule;

(4) For reports from select committees;

(5) For bills and resolutions, which shall conclude the morning call, and which the President shall announce to the Senate;

(6) For the special order;

(7) For unfinished business;

(8) For business on the Presi-

dent's table, which shall be disposed of in the following order:

- (1) Simple resolutions;
- (2) Messages and executive communications;
- (3) House bills on third reading;
- (4) Senate bills on third reading;
- (5) House bills on second reading;
- (6) Senate bills on second reading;

Senate bills and resolutions with House amendments may be called up at any time as privileged questions.

12. A special order shall be considered at a time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such business may be suspended by a majority vote of all the members present in order to consider a special order. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order. Provided, that any special order shall be subject to Rule 61, providing that the order of business may be postponed or changed by two-thirds vote of all members present.

#### DECORUM AND DEBATE.

13. When a Senator is about to speak in debate, or to communicate any matter to the Senate, he shall rise in his place and address the President.

14. When two or more members happen to rise at once, the President shall name the one who is first to speak, and his decision shall be final and not to open to debate or appeal.

15. No member shall speak more than once in any one debate until every member desiring to do so shall have spoken; nor shall any member speak more than twice in any one debate without leave of the Senate.

16. When a member shall be called to order by the President, or by a Senator, he shall sit down and not be allowed to speak, except to the point of order, until the question of order be decided. If the decision be in his favor, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the Senate.

17. If a member be called to order for using exceptionable words, they shall be immediately taken down in writing, that the President may be better enabled to judge them.

18. Every question of order shall in the first instance be decided by the President, from whose decision any member may appeal to the Senate.

19. While the President is putting the question or addressing the Senate he shall not be interrupted.

20. While a member is speaking no other member shall interrupt him, except by leave, or otherwise interrupt the business of the Senate. No smoking shall be allowed in the Senate Chamber during the session of the Senate.

21. When a question is under consideration by the Senate no motion shall be made except

To fix the day to which the Senate shall adjourn;

To adjourn;

To precede to the transaction of executive business;

The previous question;

To postpone to a time certain;

To amend;

To commit with instructions;

To lie on the table;

To postpone indefinitely;

Which several motions have precedence in the order in which they are arranged. All amendments tending to perfect a bill shall have precedence of a motion to strike out the enacting clause.

22. No debate shall be allowed on a motion to lay on the table, for the previous question, or to adjourn.

22a. When any Senate bill shall be reached upon the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported containing the same subject, or to lay such House bill before the Senate to be considered in lieu of such Senate bill.

23. The Senate may punish any member for disorderly conduct, and with the consent of two-thirds may expel a member; but not a second time for the same offense. (Constitution, Art. III, Sec. 11.)

24. The Senate, during its session, may imprison for forty-eight hours any person, not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings. (Constitution, Art. III, Sec. 15.)

25. Any member who shall receive or offer a bribe, or who shall suffer his vote influenced by promise

of perferment or reward, shall, on conviction, be expelled.

#### BILLS.

26. No bill shall have the force of law until it shall have been read three several days in each House, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill) four-fifths of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the Journals. (Constitution, Art. III, Sec. 32.)

27. The President shall, at each reading, announce whether the bill originated in the Senate or House of Representatives, and whether it be the first, second or third reading.

28. A bill, when introduced, shall be read and referred to a committee. The first reading of a bill, if a Senate bill, shall be read when introduced; if a House bill, the reading thereof when transmitted to the Senate. And all House bills, when received in the Senate, shall be read and referred to a committee. No action shall be taken upon a bill accepting, rejecting or amending the same until it has been reported upon by a committee. And it shall be the duty of each committee of the Senate when there has been referred to it or is before it for consideration a Senate bill and a House bill containing the same subject, to first consider and report upon the House bill.

29. No motion shall be necessary to pass a bill to its second reading. The main question on the second reading of the bill shall be, if a Senate bill, "shall this bill be engrossed and passed to a third reading?"

30. No bill shall be considered unless it has first been referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to a committee at least three days before the final adjournment of the Legislature. (Constitution, Art. III, Sec. 37.) And no vote shall be taken upon the passage of any bill within the last twenty-four hours of the session, unless it be to correct an error therein.

31. No amendment shall be adopted at the third reading of a bill without the consent of two-thirds of the members present.

32. It shall be in order at the third reading of a bill to move its reference to a committee; and should such motion prevail and the same be reported back to the Senate, the said bill shall be considered as on its second reading.

33. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing, and the fact of signing shall be entered on the Journals. (Constitution, Art. III, Sec. 38.)

#### SUBSTITUTE BILLS.

34. When the House of Representatives shall adopt and send to the Senate a substitute for a bill that had previously passed the Senate and been sent to the House, said substitute shall be acted upon by the Senate in the same manner as a bill that originated in the House of Representatives; and any amendment which is in effect a substitute shall be considered a substitute bill.

#### RESOLUTIONS.

35. Every resolution that requires the approval of the Governor shall be subject to the rules that govern the proceedings on bills.

36. All resolutions, except those named in the preceding rule, shall be acted on upon their introduction, or on motion postponed or referred to an appropriate committee.

#### AMENDMENTS TO THE CONSTITUTION.

37. All amendments proposed to the Constitution shall be subject to the rules that govern the proceedings on bills, except that they shall in all cases be read on three several days, and shall only be passed by a vote of two-thirds of the members elected to the Senate. (Constitution, Art. XVII, Sec. 1.) When a proposed amendment to the Constitution may be under consideration, the votes of the majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental matter short of the final question.

#### MOTIONS.

38. All motions shall be reduced to writing and read by the Secretary.

if desired by the presiding officer or any Senator present

39. After a motion has been stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Senate; but it may be withdrawn at any time before it has been amended or decided.

40. On motion to fix a sum or state a time, the largest sum and the longest time shall have precedence.

41. Any member may have the question before the Senate divided, if it be susceptible of a division, into distinct questions; but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert. A motion to table shall only affect the matter to which it is directed, and a motion to table an amendment shall never have the effect of tabling the entire measure.

42. A motion to postpone, or to commit, having been once decided, shall not again be entertained on the same day, at the same stage of the bill or other question before the Senate.

#### PETITIONS AND MEMORIALS.

43. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, a brief verbal statement of its contents may be made by the person presenting it.

#### PROTESTS.

44. Any member shall have the privilege to have spread upon the Journal of the Senate his reason for any vote he may cast.

#### REPORTS.

45. All committee reports shall be in writing.

46. It shall be in order for the Committee on Engrossed and Enrolled Bills to report at any time.

47. All reports except reports from Committee on Engrossed and Enrolled Bills, shall, after being read, lie on the table one day before consideration, unless committed.

48. When a committee shall report an original bill, such bill shall be read with the report, and shall be endorsed by the Secretary as having been read the first time.

#### COMMITMENT.

49. Motions in writing, reports, and all resolutions, except such as require the approval of the Governor, may be committed at the pleasure of the Senate.

50. When several motions shall be made for reference of a subject to a committee, they shall have the preference in the following order: First, to a committee of the whole Senate; second, to a standing committee; third, to a select committee.

#### RECONSIDERATION.

51. After a question shall have been decided, either in the affirmative or negative, any member voting with the prevailing side may, on the same day in which the vote was taken, or within the next succeeding day of actual session, move the reconsideration thereof. When a bill, resolution, report, amendment, order or message upon which the vote was taken shall have gone out of the possession of the Senate, and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same, which last motion shall be acted upon, and if determined in the negative, shall be a final disposition of the motion to reconsider.

52. In all cases a motion to reconsider shall be decided by a majority of the votes.

53. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate, and without debate.

#### QUESTIONS—MODE OF STATING AND VOTING UPON.

54. All questions shall be distinctly put by the President, and the members shall signify their assent or dissent by answering, "Aye," or "No."

#### EQUAL DIVISION OF THE SENATE.

55. If the Senate be equally divided on any question, the Lieutenant



Governor, if present, shall give the casting vote. (Constitution, Art. IV, Sec. 16.)

56. The President of the Senate, for the time being, shall not, by virtue of his office, be entitled to give the casting vote in any case.

57. If the Senate is equally divided on any question when the Lieutenant Governor is not present, such question or motion shall be lost.

#### YEAS AND NAYS.

58. Upon the final passage of all amendments proposed to the Constitution, of all bills appropriating money or lands for any purpose, and of all questions requiring a vote of two-thirds, except a motion to suspend the rules, the presiding officer shall call for the yeas and nays, and they shall be entered on the Journal.

59. At the desire of any three members present, the yeas and nays shall be entered on the Journal, and the names of the members present and not voting shall be recorded immediately after those voting in the affirmative and negative, and such members shall be counted in determining the presence of a quorum.

60. Upon any roll call of the Senate, should any member who is within the Senate Chamber fail or refuse to answer when his name is called, the Secretary of the Senate shall, under the direction of the President of the Senate, record such member as present.

#### TWO-THIRDS VOTE—ON WHAT QUESTIONS REQUIRED.

61. A vote of two-thirds of all members elected to the Senate shall be required—

(1) For the final passage of amendments to the Constitution. (Constitution, Art. VII, Sec. 1.)

(2) For the final passage of bills exempting property from taxation. (Constitution, Art. VIII, Sec. 10.)

(3) For the final passage of bills to revoke or repeal private corporations.

(4) For the final passage of bills to authorize the State to borrow money.

(5) For the passage of bills that have been returned by the Governor, with his objections. (Constitution, Art. IV, Sec. 14.)

(6) For the final passage of bills to reduce a county to a less area than nine hundred square miles. (Constitution, Art. IX, Sec. 1.)

(7) For the passage of an address to the Governor for the removal of any civil officer. (Constitution, Art. XV, Sec. 8.)

(8) In cases of impeachment, a vote of two-thirds shall be required to convict. (Constitution, Art. XV, Sec. 3.)

(9) To expel a member. (Constitution, Art. III, Sec. 11.)

A vote of two-thirds of all the members present shall be required—

(1) To adopt an amendment at the third reading of a bill or joint resolution. (See R. 35.)

(2) To postpone or change the order of business.

(3) To suspend any rule of the Senate.

(4) To excuse absentees.

#### Suspension and Rescission of the Rules.

62. It shall require a vote of four-fifths of the Senate to suspend the rule requiring bills to be read on three several days. (Constitution, Art. III, Sec. 32.)

63. No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor.

64. No motion to suspend the rules for the purpose of considering a bill or resolution out of its order shall be entertained during the morning call.

#### Rejection of Bills, Resolutions and Motions.

65. After a bill or resolution has been considered and defeated by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session. (Constitution, Art. III, Sec. 34.)

#### Elections.

66. In all elections of the Senate, the vote shall be given viva voce, except in the election of officers of the Senate. (Constitution, Art. III, Sec. 41.)

67. A majority of the whole number of votes cast shall be necessary for a choice in all elections by the Senate.

#### Committees.

68. All committees shall be appointed by the President, unless otherwise directed by the Senate.

69. The following standing committees shall be appointed:

- (1) A Judiciary Committee No. 1.
- (2) A Judiciary Committee No. 2.
- (3) A Committee on Constitutional Amendments.
- (4) A Committee on Educational Affairs.
- (5) A Committee on Internal Improvements.
- (6) A Committee on Finance.
- (7) A Committee on Public Lands and Land Office.
- (8) A Committee on State Penitentiaries.
- (9) A Committee on Public Health.
- (10) A Committee on Military Affairs.
- (11) A Committee on State Affairs.
- (12) A Committee on Commerce and Manufactures.
- (13) A Committee on Public Roads, Bridges and Ferries.
- (14) A Committee on Public Debt, Claims and Accounts.
- (15) A Committee on Contingent Expenses.
- (16) A Committee on Federal Relations.
- (17) A Committee on Counties and County Boundaries.
- (18) A Committee on Public Printing.
- (19) A Committee on Judicial Districts.
- (20) A Committee on State Asylums.
- (21) A Committee on Stock and Stock Raising.
- (22) A Committee on Agricultural Affairs.
- (23) A Committee on Treasurer's and Comptroller's Departments.
- (24) A Committee on Privileges and Elections.
- (25) A Committee on Public Buildings and Grounds.
- (26) A Committee on Rules.
- (27) A Committee on Engrossed Bills.
- (28) A Committee on Enrolled Bills.
- (29) A Committee on Insurance, Statistics and History.
- (30) A Committee on Towns and City Corporations.
- (31) A Committee on Mining and Irrigation.
- (32) A Committee on Labor.

Committee of the Whole.

70. It shall be in order for the Senate, at any time after bills and resolutions have been called, to re-

solve itself into Committee of the Whole.

71. In forming a Committee of the Whole Senate, the President shall leave the chair, and shall appoint a chairman to preside in committee.

72. When in Committee of the Whole, the Lieutenant Governor shall have a right to debate and vote on all questions. (Constitution, Art. IV, Sec. 16.)

73. The rules of the Senate, as far as applicable, shall be observed in Committee of the Whole.

74. Upon bills committed to a Committee of the Whole Senate, the bill shall be read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page or line, shall be duly entered by the Secretary, on a separate paper, as the same shall be agreed to by the committee, and so reported to the Senate; after the report, the bill shall again be subject to be debated and amended, or committed, before a question to engross it be taken.

#### NOMINATIONS BY THE GOVERNOR.

75. When nominations shall be sent to the Senate by the Governor, a future day shall be assigned for action thereon, unless the Senate unanimously direct otherwise.

76. Nominations shall be acted on in executive session only.

77. All nominations approved or definitely acted on by the Senate shall be returned to the Governor, by the Secretary, from day to day, as such proceedings may occur.

#### EXECUTIVE SESSION.

78. When the Senate is in executive session, the Senate Chamber and gallery shall be cleared of all persons except Secretaries, Doorkeeper and Assistant Doorkeeper, Sergeant-at-Arms and Assistant Sergeant-at-Arms, who shall keep secret proceedings of such session until the injunction of secrecy is removed by unanimous vote of the Senate.

79. All information or remarks touching the character or qualifications of any person nominated by the Governor to office shall be kept secret.

80. Any officer or member convicted of violating any provisions of either of the two preceding rules

shall be liable, if an officer, to dismissal from the service of the Senate, and if a member, to expulsion.

#### MESSAGES.

81. Messages, bills, resolutions and other papers shall be sent to the House of Representatives by the Secretary, who shall previously endorse upon them the final determination of the Senate thereon.

82. Messages may be received at any time, except while a question is being put, while the yeas and nays are being taken, or while the ballots are being counted.

#### JOURNAL OF THE SENATE.

83. The proceedings of the Senate, when not in Committee of the Whole, or in executive session, shall be entered on the Journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; the titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal; every report of a committee and vote of the Senate, and a brief statement of the contents of each petition, memorial or paper presented to the Senate shall also be inserted in the Journal.

84. When a bill shall be returned to the Senate by the Governor, with his objections, they shall be entered at large upon the Journal. (Constitution, Art. IV, Sec. 14.)

85. The proceedings of the Senate, when in executive session acting upon nominations made by the Governor, shall be kept in a separate book, but the final result of such session shall be placed upon the Journal of the Senate, and the Secretary shall report the same to the Governor.

#### ADJOURNMENT.

86. A motion to adjourn shall always be in order, and shall be decided without debate, and the Senate may adjourn while operating under the previous question.

87. The Senate shall not adjourn for more than three days, nor to any other place than that in which it may be sitting, without the concurrence of the House of Representatives. (Constitution, Art. III, Sec. 17.)

88. That persons hereinafter named, and no other, shall be admit-

ted to the Senate Chamber while the Senate is in session, viz:

(1) The members and employes of the Senate and their families, Representatives and employes of the House of Representatives, the Governor and his private secretary, the Lieutenant Governor and the members of the families of the Lieutenant Governor and Senators, the officers of the General State Government, the President and Vice-President of the United States, United States Senators and members of Congress, Governors of other States, the heads of the departments, judges of the Supreme Court and the Courts of Criminal and Civil Appeals. Provided, that the exceptions herein named shall not apply to any person or persons engaged in lobbying.

(2) Reporters of newspapers shall be assigned appropriate and convenient seats in the Senate by direction of the President.

(3) Provided, that no newspaper reporter, or any person whomsoever, who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be admitted upon the floor of the Senate or rooms leading thereto when the Senate is in session, nor shall any newspaper reporter, whose salary or compensation is paid in whole or in part by any person, corporation, firm or association other than the paper or papers for which he reports be admitted into the hall or rooms leading thereto when the Senate is in session.

(4) It shall not be in order for the President to entertain a request, motion or resolution for the suspension of this rule or to present from the Chair the request of any member for unanimous consent.

(5) It shall be the duty of the Sergeant-at-Arms and his assistant to clear the Senate Chamber of all persons not entitled to the privileges thereof five minutes before the hour of meeting.

(6) Provided, that this rule shall not apply to persons who are invited to address the Senate when in session, nor shall it apply to any person who desires to appear before any committee, while going to or returning from the session of said committee; and provided further, that this rule shall not apply during the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate. All off-

cers and employes of the Senate are prohibited from lobbying in favor of or against any measure or proposition pending before the Senate, and should any officer or employe violate this rule the same shall be cause for dismissal from the service of the Senate.

#### SENATE RULES—WHEN SILENT.

89. The President of the Senate shall decide all questions not provided for by the standing rules of order of the Senate, and joint rules of order of both branches of the Legislature, according to parliamentary practice, as laid down by modern approved authors, subject to appeal to the entire Senate as in other cases.

#### PREVIOUS QUESTION.

90. Pending the consideration of any question before the Senate, any Senator may call for the previous question, and if seconded by five Senators, the presiding officer shall submit the question, "Shall the main question be now put?" and if a majority vote is in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate, and bring the Senate as a separate proposition, upon pending amendments and motions, if there be any; then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate to a direct vote—first, and be decided by a vote upon said amendment or motion.

#### THIRD DAY.

Senate Chamber.  
Austin, Texas.

Monday, January 16, 1911.

The Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Before the roll was called Senator Terrell of McLennan made the following point of order in writing:

I make the point of order that the Senate is now in session, Wednesday, January 11th, 1911, and cite the Chair to Section 17 of Article three of the Constitution, which reads as follows: "Neither House shall, without the consent of the other, adjourn for more than three days, nor to any

other place than that where the Legislature may be sitting."

The Journal shows that the Senate convened on January 11th and adjournment was taken till Monday, January the 16th, being more than three days.

I therefore object to the calling of the roll as no legal adjournment has been had.

The Chair, Lieutenant Governor Davidson, ruled as follows:

The point turns upon the difference between a legislative and calendar day. The Chair understands under his construction of the Constitution that one day means a calendar day—that is from midnight to midnight, and under the facts as presented here, the Chair is inclined to think that the point of order is not well taken, and will therefore overrule the point of order and direct the calling of the roll. But if there is any Senator who desires to be heard upon that matter I will permit that.

The Chair directed the roll called, no quorum being present, the following answering their names:

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Peeler.	

#### Absent.

Adams.	Murray.
Astin.	Paulus.
Greer.	Real.
Hume.	Watson.
Kauffman.	Weinert.
Meachum.	Willacy.

#### ADJOURNMENT.

Senator Cofer offered the following motion in writing,

Because the roll call fails to develop a quorum we move an adjournment until 11:30 o'clock a. m., Tuesday morning, January 17th, A. D., 1911.

BRYAN,  
COFER,  
LATTIMORE,  
RATLIFF,  
MAYFIELD,  
STURGEON,  
TOWNSEND,  
CARTER,